

**Tribal Historic Preservation Office
Historic Preservation Fund Grant**

QUICK GUIDE

**National Park Service
2015**

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CHAPTER 1 - HPF FUNDING BASICS

Source of Historic Preservation Fund

Established in the 1976 amendments to the National Historic Preservation Act (the Act), the Historic Preservation Fund (HPF) is the source of preservation grants and financial assistance to States, Tribes, local governments, and non-profits. The Act allows States and Tribes to participate in the national historic preservation program by appointing a State or Tribal Historic Preservation Officer (SHPO/THPO) to survey, document, and record historic properties and guide preservation activities at the State and Tribal levels. The HPF provides the money necessary for States and Tribes to implement these activities.

Funding for the HPF does not come from taxpayer dollars, but rather from offshore oil and gas lease revenues. The idea is that the use of one non-renewable resource benefits the preservation of other irreplaceable resources. The HPF is authorized at \$150 million annually, which means that each year \$150 million is deposited into the HPF from the sale of off shore oil and gas leases. Congress then appropriates money from the Fund to allow SHPOs and THPOs to carry out the mandates of the Act.

Eligibility requirements

To be eligible for a Tribal Historic Preservation Office (THPO) HPF annual award, the tribe must have:

- an approved THPO agreement with National Park Service (NPS)
- a single, appointed, permanent or acting THPO
- no outstanding prior HPF grant reports, problems or audit findings
- no outstanding reports due under the THPO certification agreement
- no other issue that would legally bar the tribe from receiving Federal funds

Apportionment Formula for Awarding HPF funds to THPOs

Congress annually appropriates funds from the HPF that NPS awards to tribes to support both the THPO and the Tribal Heritage Grant program. From the total appropriation, NPS allots a small amount, typically about 10%, of the appropriation, to fund project grants under the Tribal Heritage Grant Program. The remaining funds are divided among the eligible THPOs to support each tribe's HPO program. The amount of each tribe's award is calculated using the apportionment formula that was developed in consultation with THPOs (see formula below). NPS then prepares an apportionment certificate for signature by the Secretary of the Interior.

Apportionment Formula - approximately 81% of the total appropriation is divided equally among all THPOs and the remaining 19% is apportioned based the area of Tribal lands as defined in the National Historic Preservation Act.

CHAPTER 2 - NPS THPO GRANT CONTACTS

THPO program questions (what kind of work is eligible under the grant) should be directed to the Tribal Preservation Program.

Chief, Tribal Preservation Program
National Park Service
1201 Eye (I) Street NW, Stop 2255
6th Floor
Washington, DC 20005

202-354-1837 (T)
202-371-1794 (F)
<http://www.nps.gov/thpo/index.html>

Grant application and financial reporting questions should be directed to the State, Tribal and Local Plans and Grants Division.

State, Tribal and Local Plans and Grants
National Park Service
1201 Eye (I) Street NW, Stop 2256
6th Floor
Washington, DC 20005

202-513-7233 or 202-354-2067 (T)
202-371-1794 (F)
<http://www.nps.gov/thpo/grants/>

For Problems with Grants.gov or ASAP.gov, please contact them directly at:

Grants.gov helpline - 1-800-518-4726 (toll free), or email support@grants.gov
ASAP helpline - (816) 414-2100, or email mailto:asap.questions@fms.treas.gov

NPS Communications with Other THPO Affiliated Staff

THPO affiliated staff who should to be copied on all general information emails regarding THPO HPF grants can receive information by adding their contact information on-line at the following web address: http://grants.cr.nps.gov/THPO_Review/index.cfm

Those on the list will receive NPS emails regarding:

- the availability of annual funding,
- application and reporting due dates,
- alerts, and
- notices of NPS training and/or information sessions

CHAPTER 3 - PRE-APPLICATION PROCESS

To apply for and access the tribe's annual HPF grant funds you must ensure that the tribe has an active account in each of the following Federal systems. Registration can take several days to several weeks so tribes should begin registering or checking on registration status, early in the fiscal year. Please do your registrations in the order listed below:

- **Dun and Bradstreet.** (<http://fedgov.dnb.com/webform>). A DUNS number, like an EIN or TIN number is a Federal identification number. There is no fee for obtaining a DUNS number and most tribes already have one.
- **System for Award Management (SAM)** (<https://www.sam.gov>). SAM is the Official U.S. Government system that consolidated the capabilities of several older Federal government procurement systems. There is no fee to register in SAM.
- **Automated Standard Application for Payments (ASAP)** (www.asap.gov) ASAP is the Federal payment system used to by NPS. Grantees draw down funds directly from their ASAP accounts. There is no fee to enroll in ASAP.

A tribe must be registered with NPS in ASAP to access their funds. Register by submitting an NPS ASAP enrollment form to ASAP_Enrollment@nps.gov. (see enrollment [page 8](#)).

- **Grants.gov** (www.grants.gov) is the Federal grant application system. There is no fee for registering in Grants.gov.

ASAP.GOV Enrollment Request Form

United States Department of the Interior
NATIONAL PARK SERVICE
12795 W Alameda Pkwy
P.O. Box 25287
Denver, CO 80225-0287
EMAIL: ASAP_Enrollment@nps.gov OR FAX 303-987-5049

Fields marked with * are required. Failure to provide required data may result in delayed enrollment.

Organization Information

*Organization Name:	
*DUNS (nine digit number):	
*TIN/EIN (nine digit number):	
ASAP ID (if already registered):	
*Mailing Address:	
*City:	
*State:	
*Zip Code:	
*Phone Number:	

Point of Contact

*First Name:	
Middle Initial:	
*Last Name:	
*Title:	
*Email address:	

Organization Type (choose one)

- ☐ Financial Institution
☐ For Profit
☐ Indian Tribal Community
☐ Local Government
☐ Non-Profit
☐ State Agency
☐ University/College
☐ University/College – State ☐ Other Educational Organization

CHAPTER 4 - APPLICATION PROCESS

Identify Your Tribe's Grant Award Amount

Within 30 days of the annual HPF appropriation being signed in law, NPS calculates the individual THPO awards and emails the amounts to the tribe's for budget planning purposes. However, these amounts are not final until the apportionment certificate (an official memo specifying the amount that NPS proposes to award each THPO) is signed by the Secretary of the Interior. This can take several weeks.

As soon as NPS receives the signed apportionment certificate THPOs are provided with the final award amounts, along with application instructions.

Complete an Application

Applications must be submitted through www.grants.gov. Applications will not be accepted by mail, fax or email.

Each year's application will have a specific "grant opportunity number" that is used to identify the application package in Grants.gov. Step-by-step instructions for downloading the application on Grants.gov begin on [page 11](#).

A FY 2015 complete grant application package consists of the following items:

- SF424, Application for Federal Assistance
- SF424a, Non-Construction Budget Form**
- SF424b, Non-Construction Assurances Form
- Budget Narrative Attachment (NEW for fiscal year 2015)
- SF424c, Construction Budget Form (if applicable)
- SF424d, Construction Assurances Form (if applicable)
- Annual Anticipated Activities List or "Workplan"**

**Program-specific instructions for the *Annual Workplan (and sample Workplan)* begin on [page 16](#) and instructions for the *SF424a - Non-Construction Budget* begin on [page 20](#) of this guide. You must follow these program-specific instructions.

Application Signatures - The Grants.gov application contains electronic signature authorization for the THPOs; therefore, no hard copies of the application have to be submitted to NPS.

Application Deadline - The grant opportunity summary on Grants.gov and the email with the grant announcement, sent to THPOs by NPS, will state the last day an application can be submitted.

IMPORTANT NOTE: THPOs who do not submit an acceptable application and/or resolve any other outstanding grant-related problems identified by NPS by the application end date **will lose their annual funding**. These funds will be either reassigned to the Tribal Heritage Grant program or to other THPOs.

Application Review

Once the THPO submits the application through Grants.gov, NPS will download and review it. If there are no errors or problems the application will be processed within a couple days. If there are issues to be addressed, NPS will contact the THPO identifying the items that need to be corrected.

Application Approval

As soon as the grant is processed, NPS will send an email approval to the THPO. The tribe does not need to counter-sign or return the grant agreement as drawing funds down from the corresponding ASAP grant account constitutes the THPOs acceptance of all terms and conditions of the grant agreement.

Grant funds will be placed into the tribe's ASAP grant account within 48 hours of receiving the approval email.

Instructions for Downloading Applications from Grants.gov

1. Log onto Grants.gov. Then, click on "Go" at top of page.

The screenshot shows the Grants.gov homepage. At the top right, there is a search bar with the text "Grant Opportunities" and a "Go" button. A red arrow points to the "Go" button. Below the search bar is a navigation menu with links: HOME, ABOUT, SEARCH GRANTS, APPLICANTS, GRANTORS, SYSTEM-TO-SYSTEM, FORMS, OUTREACH, and SUPPORT. The main content area features a large banner for "About Grants.gov" with a background image of the U.S. Capitol. To the right of the banner is a sidebar with links for "GENERAL SUPPORT" and "TECHNICAL SUPPORT". At the bottom of the page, there is a footer with various links and contact information.

2. Type the current fiscal year's grant application "Opportunity Number" into the search field on the left (this number will be emailed to you along with the notification of the amount of your grant awards) and click "Search."

The screenshot shows the Grants.gov search results page. On the left side, there is a search form with fields for "Keyword(s)", "Funding Opp #", and "CFDA Number". A red arrow points to the "Funding Opp #" field. Below the search form are several filters: "OPPORTUNITY STATUS", "FUNDING INSTRUMENT TYPE", "ELIGIBILITY", "CATEGORY", and "AGENCY". The main content area displays a table of search results. The table has columns for "Funding Opportunity #", "Opportunity Title", "Agency", "Open Date", and "Close Date". The first row of results is for "FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices" with funding opportunity number "P15AS00019".

Funding Opportunity #	Opportunity Title	Agency	Open Date	Close Date
P15AS00019	FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices	National Park Service	12/16/2014	03/31/2015
P15AS00020	FY2015 Historic Preservation Fund-State Historic Preservation Offices	National Park Service	12/16/2014	09/31/2015
KRFP15-02	U.S. Consulate General, Kolkata Training Program for Journalism Standards and Ethics	U.S. Mission to India	12/15/2014	02/13/2015
RFA-HD-15-031	Novel Tools to Assess Human Placental Structure and Function (R21)	National Institutes of Health	12/15/2014	02/19/2015
RWANDA-696-15-02-SPECIALNOTICE	Nutrition/WASH Integrated Activity	Rwanda USAID-Kigali	12/15/2014	01/15/2015
PD-15-1392	Integrative Paleoanthropology Grants	National Science Foundation	12/15/2014	04/02/2015
RFA-HD-15-030	Novel Tools to Assess Human Placental Structure and Function (R01)	National Institutes of Health	12/15/2014	02/19/2015
HRSA-15-067	Children's Safety Network Program	Health Resources and Services Administration	12/15/2014	03/02/2015
HRSA-15-081	National Coordinating Center for the Regional Genetic Service Collaboratives	Health Resources and Services Administration	12/15/2014	02/02/2015
PAR-15-073	Investigational New Drug (IND)-enabling Development of Medications to Treat Alcohol Use Disorder and Alcohol-related Disorders (UT2)	National Institutes of Health	12/15/2014	12/11/2017
DE-FOA-0001253	Notice of Intent for State Energy Program 2015 Competitive Awards	Golden Field Office	12/15/2014	
ED-GRANTS-121514-001	Office of Special Education and Rehabilitative Services (OSERS): Office of Special Education Programs (OSEP): State Personnel Development Grants (SPDG) Program CFDA Number 84.323A	Department of Education	12/15/2014	01/29/2015
L15AS00003	BLM CA Abandoned Mine Lands with Department of Conservation	Bureau of Land Management	12/15/2014	01/30/2015
R15AS00025	Water Conservation Field Services Program	Bureau of Reclamation	12/15/2014	01/26/2015
CDC-RFA-GH15-1575	Strengthening the Delivery and Expanding Access to Quality Laboratory Services and Enhancing Healthcare Worker and Laboratory Safety in the Republic of South Africa under the President's Emergency Plan for AIDS Relief (PEPFAR)	Centers for Disease Control and Prevention	12/15/2014	01/23/2015
CDC-RFA-GH15-1576	Support the Strengthening and Utilization of Strategic Information Activities in the Republic of South Africa under the President's Emergency Plan for AIDS Relief (PEPFAR)	Centers for Disease Control and Prevention	12/15/2014	01/23/2015

3. Click on the Opportunity Number under the blue “Matching Results” bar.

The screenshot shows the GRANTS.GOV search results page. On the left, there are filters for BASIC SEARCH CRITERIA (Keyword(s), Funding Opp #, CFDA Number), OPPORTUNITY STATUS (Open, Closed, Archived), FUNDING INSTRUMENT TYPE (All Funding Instruments, Grant), ELIGIBILITY (All Eligibilities, Native American tribal governments), CATEGORY (All Categories, Other), and AGENCY (All Agencies, All Department of the Interior). On the right, there is a table titled "1 - 1 OF 1 MATCHING RESULTS:" with columns: Funding Opportunity #, Opportunity Title, Agency, Open Date, and Close Date. The table contains one row with the Opportunity # P15AS00019, Title FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices, Agency National Park Service, Open Date 12/16/2014, and Close Date 03/31/2015. A red arrow points to the Opportunity # P15AS00019.

4. Click on the “Application Package” tab in the center of the screen.

The screenshot shows the "VIEW GRANT OPPORTUNITY" page for P15AS00019, titled "FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices" under the "Department of the Interior" and "National Park Service". At the top, there are tabs: SYNOPSIS DETAILS, VERSION HISTORY, FULL ANNOUNCEMENT, and APPLICATION PACKAGE. A red arrow points to the APPLICATION PACKAGE tab. Below the tabs, there is a synopsis of the grant opportunity. Under the "General Information" section, there is a table with the following data:

Document Type: Grants Notice	Posted Date: Dec 16, 2014
Funding Opportunity Number: P15AS00019	Creation Date: Dec 16, 2014
Funding Opportunity Title: FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices	Original Closing Date for Applications: Mar 31, 2015 Due by close of business 3/31/2015
Opportunity Category: Other	Current Closing Date for Applications: Mar 31, 2015 Due by close of business 3/31/2015
Funding Instrument Type: Grant	Archive Date: Sep 30, 2015
Category of Funding Activity: Other (see text field entitled "Explanation of Other Category of Funding Activity" for clarification)	Estimated Total Program Funding: \$8,700,000
Category Explanation: Cultural Heritage and Historic Preservation	Award Ceiling: \$150,000
Expected Number of Awards: 150	Award Floor: \$10,000
CFDA Number(s): 15.904 -- Historic Preservation Fund Grants-In-Aid	
Cost Sharing or Matching Requirement: No	

Below the table, there is an "Eligibility" section with the text: "Eligible Applicants: Native American tribal governments (Federally recognized)".

5. Click on “Download” under “Instructions and Application” in the lower right-hand corner of the screen.

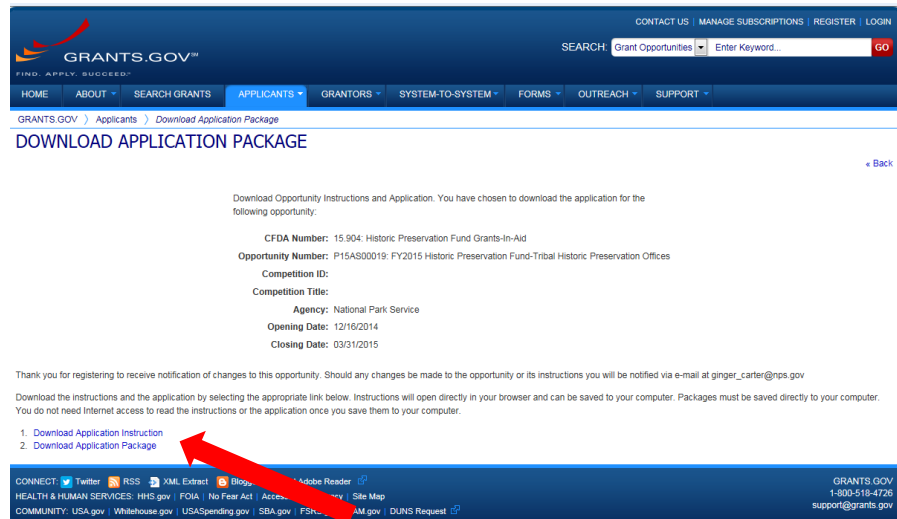
The screenshot shows the Grants.gov website interface. At the top, there's a navigation bar with links like HOME, ABOUT, SEARCH GRANTS, APPLICANTS, GRANTORS, SYSTEM-TO-SYSTEM, FORMS, OUTREACH, and SUPPORT. Below this, the page title is "VIEW GRANT OPPORTUNITY" for P15AS00019, "FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices", "Department of the Interior", "National Park Service". There are tabs for SYNOPSIS DETAILS, VERSION HISTORY, FULL ANNOUNCEMENT, and APPLICATION PACKAGE. A section titled "Selected Grant Applications for Download" contains a table with columns: CFDA, Opportunity Number, Competition ID, Competition Title, Agency, and Instructions and Application. The table has one row with CFDA 15.904, Opportunity Number P15AS00019, and Agency National Park Service. The "Instructions and Application" column has a "Download" link, which is highlighted by a red arrow.

CFDA	Opportunity Number	Competition ID	Competition Title	Agency	Instructions and Application
15.904	P15AS00019			National Park Service	Download

6. Enter your email address in both field and click “Submit”.

The screenshot shows the Grants.gov website interface for the "DOWNLOAD APPLICATION PACKAGE" page. It displays the opportunity details: CFDA Number: 15.904: Historic Preservation Fund Grants-In-Aid, Opportunity Number: P15AS00019: FY2015 Historic Preservation Fund-Tribal Historic Preservation Offices, Competition ID, Competition Title, Agency: National Park Service, Opening Date: 12/16/2014, and Closing Date: 03/31/2015. Below this, there's a form with two email input fields, both containing "ginger_carter@nps.gov". A "submit" button is at the bottom right, highlighted by a red arrow. There's also a checkbox labeled "No, I do not wish to provide my email address".

7. Click on "Download Application Instructions." The instructions will open in a separate window, and may take a couple of minutes to open. **Print and follow the program-specific instructions. Grant processing is often delayed because the instructions were not followed correctly.** Close the instructions window and click on "Download Application Package."



8. The application will open in a separate window and will look like image below. *Note, in some browsers the forms will not open, but will download into your "downloads" folder. You can open the forms from that folder.*

The screenshot shows a 'Grant Application Package' form. The form has a header with the GRANTS.GOV logo and a 'Print' button. The main section contains the following fields:

- Opportunity Title: FY2015 Historic Preservation Fund-Tribal Historic Prese
- Offering Agency: National Park Service
- CFDA Number: 15.904
- CFDA Description: Historic Preservation Fund Grants-In-Aid
- Opportunity Number: P15AS00019
- Competition ID:
- Opportunity Open Date: 12/16/2014
- Opportunity Close Date: 03/31/2015
- Agency Contact: Ginger Carter, Ginger_Carter@nps.gov

Below these fields, there is a note: "This opportunity is only open to organizations, applicants who are submitting grant applications on behalf of a company, state, local or tribal government, academia, or other type of organization." This is followed by an 'Application Filing Name' field.

At the bottom, there is a section titled 'Select Forms to Complete' with a blue background. Below this section are four buttons: 'Mandatory', 'Save', 'Save & Submit', and 'Check Package for Errors'.

All required forms will be lined-up one after the other as you scroll down. At any point, you can stop and click on the "Save" button (shown in the screen shot above), then return later to complete the rest of the application.

Remember to attach your Annual Work Plan (previously saved on your computer in PDF or Word format) to the Attachments form.

Once you've completed the forms, click on the "Check Package for Errors" button (shown in the screen shot above). If everything is okay, click on the "Save and Submit" button. This will allow our office (NPS) to download your application from Grants.gov.

The screenshot shows a web browser window displaying the Grants.gov application package page. The page title is "Grant Application Package". The form contains the following information:

- Opportunity Title: FY2013 TRPO Historic Preservation Fund Grants in Aid
- Offering Agency: National Park Service
- CFDA Number: 15.904
- CFDA Description: Historic Preservation Fund Grants-In-Aid
- Opportunity Number: F13AS00003
- Competition ID:
- Opportunity Open Date:
- Opportunity Close Date: 09/30/2013
- Agency Contact: Ginger Carter
E-mail: ginger_carter@nps.gov
Phone: 202-513-7233

Below the form, there is a section titled "Select Forms to Complete" with a "Mandatory" section. The "Mandatory" section contains the following links:

- [Application for Federal Assistance \(SF-424\)](#)
- [Attachments](#)

At the bottom of the page, there are three buttons: "Save", "Save & Submit", and "Check Package for Errors". A red arrow points to the "Save & Submit" button.

Instructions for the Anticipated Activities List

The Anticipated Activities List (also known as the "*Workplan*" identifies the HPF-funded activities that the THPO will accomplish during the grant period (two Federal fiscal years) to help achieve the goals and objectives stated in the Tribe's Historic Preservation Plan. NPS also uses it to determine how the Tribe intends to use its HPF grant funds.

The *Workplan* must include a list of all HPF funded program areas, and under each, a clear and descriptive title for each activity it proposes to undertake. The HPF program areas are listed below.

- Administration
- Planning
- Survey and Inventory
- Review and Compliance
- National Register
- Development/Acquisition/Covenants
- Tax Credits
- Local Government Certification
- Other or Education (optional program area)*

Each *Program Area* must be included in the *Workplan*, even if only to indicate that no major projects/activities are planned. For example, if a Tribe plans only "Routine Review and Compliance activities," it should state this in the *Workplan*.

Each activity listed must reference the THPO's Program Plan goal(s) and objective(s) that correspond to that project/activity, though there does not need to be a one-to-one correlation between every activity and the Tribe's Program Plan.

Project/activity titles must be descriptive rather than numeric. For example, "Inventory Computerization" or "Pre-Historic Hunter's Camp Archeological Survey," are good titles but, "14-BAL-42B10" is not.

Projects consisting of multiple phases must identify the number of the phase that will be completed under the grant agreement, for example, "Archeological Survey of the Sully Basin, Phase 2".

There must be enough information in the descriptive title to indicate the tangible nature of the project or activity. Multiple goals and objectives may be referenced for an activity, if that activity helps achieve more than one goal or objective.

Grant Budget – The grant budget should not be part of the narrative *Workplan*. The budget must be submitted on the SF424a, *Non-Construction Budget Form*, which is part of the application that is completed on Grants.gov. Instructions for completing that form can be found on [page 20](#).

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A sample *Workplan* is on the following page.

Sample Anticipated Activities List for FY 2013

The XXX Indian Tribal Community will utilize FY 2013 grant funding from the Historic Preservation Fund (HPF) in order to carry out on its Tribal lands the activities described below. The anticipated activities will, in turn, support the goals and objectives of the Tribe's Program Plan as indicated. The Program Areas below are taken from the *Historic Preservation Fund Manual* and reflect the State Historic Preservation Officer (SHPO) responsibilities (in italics) as specified in Section 101(b)(3) of the National Historic Preservation Act (NHPA) and assumed by the Tribe pursuant to Section 101(d)(2) of the NHPA.

Program Areas and Anticipated Activities:

1) Administration (*administer the Tribal program of Federal assistance for historic preservation within the Reservation*)

Formulate Budget and Prepare Annual Workplan, Accomplishments Report and Grants Product Summary (GPS) Report: Prepare and submit the reports as required in the Memorandum of Agreement between the Tribe and the National Park Service (NPS) authorizing the Tribe to assume SHPO responsibilities.

Utilize NPS Financial Management System: Cultural Resource Office (CRO) staff will assist Accounting with the draw down of funds; the Grants Administrator reports that the Tribe has an active account in ASAP.

Prepare and Submit Single Audit Reporting Package: Complete and submit the single audit reporting package, including form SF-SAC, to the Federal Audit Clearinghouse as required.

Goals/Objectives supported: Establish a sustainable CRO out of which the Tribal Historic Preservation Officer (THPO) operates; participate meaningfully in the national historic preservation program; protect cultural resources from adverse impacts.

2) Historic Preservation Planning (*prepare and implement a comprehensive Reservation-wide historic preservation plan*)

Preservation priorities: Finalize a list of the Tribe's primary preservation priorities to guide the future work of the THPO. The initial version of the list will be revisited regularly and revised as needed.

Site sensitivity model: Implement the work plan for creating an archaeological site sensitivity model that will be used to inform the preservation planning and land use processes. Consult with technical advisors, including a neighboring THPO who has developed a site sensitivity model and the contract archaeologist. Work tasks will include the GIS Specialist in preparation for expressing the model as a map or series of maps.

Cultural resource management plan: Begin drafting the Cultural Resource Management Plan, or CRMP, which will be based on the preservation priorities list (above). Continue research of existing CRMPs and Historic Preservation Plans and conversations about the CRMP's content.

Goals/Objectives supported: Prepare and implement an historic preservation plan in accordance with the priorities of the Senate and CRO and based upon the Tribe's unique worldview and values; protect cultural resources from adverse impacts.

3) Survey and Inventory (*direct and conduct a comprehensive Reservation-wide survey of historic properties and maintain inventories of such properties*)

Survey: Draft a culturally appropriate, achievable research design that includes objectives, past research, and a clear methodology; the methodology shall include background research, field survey, and reporting. Consult with the contract archaeologist, as archaeological sites will be emphasized in the first phase.

Inventory: Design in collaboration with the GIS Specialist a database and Geographic Information System (**GIS**) to serve as the Cultural Resources Register; begin entering known historic properties from sources such as Tribal records and the Washington Information System for Architectural and Archaeological Records Data (WISAARD). Work with the contract archaeologist to produce summaries of all archaeological site forms and cultural resource survey reports for the Reservation. We expect to inventory 14 sites on the west side of the Reservation.

Goals/Objectives supported: Direct and conduct a survey/inventory in accordance with the priorities of the Senate and CRO; create an inventory of the location/condition of historic properties that can be used during land use planning processes; protect cultural resources from adverse impacts.

4) National Register [not assumed in the Tribe's Program Plan]

5) Development, Acquisition, and Covenants [from the HPF manual "the material conservation, protection, and preservation (both physical and legal) of properties listed in the National Register of Historic Places"]

No major activities anticipated

6) Preservation Tax Incentives [not assumed in the Tribe's Program Plan]

7) Review and Compliance (*advise and assist Federal and State agencies and local governments in carrying out their historic preservation responsibilities; ensure that historic properties are taken into consideration at all levels of planning and development; and consult with appropriate Federal agencies in accordance with this Act on i) Federal undertakings that may affect historic properties, and ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties*).

Section 106 review: Consult with federal agencies or their designees on undertakings that may affect historic properties and on plans developed to address impacts to such properties in

accordance with the regulations at 36 CFR 800 implementing Section 106 of the NHPA (i.e. actively participate in the Section 106 process). Actively monitor regulatory changes, both proposed and actual, in order to understand and advise others on implementation of the most current versions of the regulations.

Tribal, state, local review: Consult with Tribal, state, and local agencies on projects that may affect historic properties and on plans developed to address impacts to such properties in accordance with relevant cultural resource regulations (i.e. actively participate in Tribal, state, and local regulatory processes). Actively monitor regulatory changes, both proposed and actual, in order to understand and advise others on implementation of the most current versions of the regulations. We project 80 consultations.

Training program: Design an **agency** training program for explaining the Tribe's Preservation Program (e.g. CRO, THPO, cultural resource review process) to Tribal, Federal, state, and local agencies. Circulate introductory letter to department heads upon completion of the archaeological site sensitivity model. Attend project meetings (e.g. pre-construction meetings, site visits), which are viewed as opportunities for agency training.

Goals/Objectives supported: Protect cultural resources from adverse impacts; participate in regulatory processes in accordance with the priorities of the Senate and CRO and in a manner that upholds the Tribe's unique worldview and values; promote relationships based on mutual respect and understanding.

8) Local Government Certification [**not assumed in the Tribe's Program Plan**]

9) Other Program Activities (*provide public information, education and training, and technical assistance in historic preservation*)

Outreach (Tribal community): Provide oral and written reports on current activities and additional needs at the annual General Council meeting; the General Council is made up of the entire Tribal community. Provide periodic briefings to the Senate and Cultural Committee.

THPO HPF Instructions for the Application SF424-A (on Grants.gov)

PLEASE READ THROUGH ALL DIRECTIONS BEFORE BEGINNING TO COMPLETE THE BUDGET

SECTION A - Budget Summary

- 1.e. Enter the total amount of Federal THPO grant award funds going toward Administration Costs.
- 2.e. Enter the total amount of Federal THPO grant award funds going toward Operations Costs.
- 3 e. Enter the total amount of Federal THPO grant award funds going toward Contracts/Subgrants.

1.f. THPOs are not required to commit matching share (applies to SECTION C as well); however, if matching share is included in the application, the amount of planned matching share must be reported in this field.

Matching share used under this grant is subject to all of the same Federal regulations and audit requirements as Federal share.

SECTION B - Budget Categories (Columns 1, 2 and 3)

Planned budget for grant

All costs must be correctly broken down under columns 1, 2 and 3 based on the type of cost, as described below.

1. Column 1 - Administrative Costs

Costs not related to specific HPF program area activities (national register, survey and inventory, education, review and compliance, etc), but rather related to general office administration or "overhead" activities such as:

- a. Formulating the grant budget;
- b. Preparing the grant application or Annual Reports;
- c. Financial administration of the grant/payroll;
- d. Property management.

2. Column 2 - Operation Costs

Costs related to specific HPF program area activities such as national register, survey and inventory, education, review and compliance, etc. These are activities that directly contribute to the accomplishments of the THPO responsibilities, such as:

- a. Personnel/Payroll costs for work related to THPO project goals;
- b. Equipment/supplies needed for specific THPO projects;
- c. Travel expenses for THPO goal-related meetings/conferences.

3. Column 3 - Contracts and Subgrants

Costs paid through contracts and/or funds given as subgrants to entities other than THPO/tribal staff.

Some costs may be split between columns. For instance, if a staff person will spend time performing both "administrative work" and "operations work," their salary should be divided between the two columns 1 and 2 based on the percentage of time spent doing each type of work.

No more than 25% of the entire budget may be applied towards administrative costs listed under Column 1, and "indirect costs" listed under all three columns of line j.

Budget Object Class Definitions

1. Personnel. Direct employees of the THPO/Tribe. Honoraria for Elders providing consultation should go under “other costs.”
2. Fringe Benefits. Compensation given in addition to direct wages or salaries, such as medical insurance, paid holidays, etc. This may not exceed what is typically awarded to other Tribal staff.
3. Travel. All costs related to travel. Costs must be based on the current Federal fiscal year’s per diem and mileage rates.
4. Equipment: Tangible, non-construction, non-expendable personal property, charged directly to the award which has a useful life of more than one year and **an acquisition cost of \$5,000 or more per unit**.
*All equipment purchases must be submitted to NPS by email or letter, and approved by NPS permission prior to purchase.

List all equipment included in budget in **(SECTION F)**

5. Supplies. Non-construction items costing less than \$5,000 per unit that do not meet the definition of equipment.
6. Consultants/Subgrants. Individuals/businesses/organizations providing professional advice or services on the basis of a written agreement for a fee. All consultants must be competitively selected unless written approval is provided by NPS.
7. Construction. Construction includes all predevelopment work (plans, studies), construction equipment/supplies/materials/ labor and any other construction-related fees such as inspections, reviews, etc. The total amount in this line item will be further broken down on the SF424c, *Construction Budget Form*.
8. Other. All expenses that do not fit into any of the above categories such as honoraria for Elder’s consultations, printing, dues, conference fees.
9. Indirect Charges: Indirect costs are eligible for reimbursement and must be based on the THPO’s approved indirect cost rate agreement. Indirect costs are costs that are not directly attributable to a specific project or grant.

The total of all indirect costs plus all administration costs (Column 1) may not be more than 25% of the grant award.

10. Program Income. Gross income earned by a grantee that is directly generated by a grant supported activity, during the period of the grant agreement (or received by a contractor/subgrantee during the period of their HPF funded agreement).

SECTION D and E – THPOs do not have to complete these sections

SECTION F – Other Budget Information

Fields 21 and 22 - Enter the total amount of Direct Charges and Indirect Charges.

Field 23 - List all equipment planned for purchase under the grant.

Sample Completed Application SF424a (as formatted on GRANTS.GOV)

Page 1 of SF424a

[View Burden Statement](#)

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 06/30/2014

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. REPO Administration Costs	15. 904	\$	\$	10,000.00	\$	10,000.00
2. REPO Operations Costs	15. 904			40,000.00		40,000.00
3. REPO Contract/Subgrant Costs	15. 904			10,000.00		10,000.00
4.						
5. Totals		\$	\$	60,000.00	\$	60,000.00

Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 1

SECTION B - BUDGET CATEGORIES					
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) THPO Administration Costs	(2) THPO Operations Costs	(3) THPO Contract/Subgrant Costs	(4)	
a. Personnel	\$ 7,000.00	\$ 30,000.00	\$	\$	\$ 37,000.00
b. Fringe Benefits	500.00	4,000.00			4,500.00
c. Travel		1,000.00			1,000.00
d. Equipment					
e. Supplies	1,000.00				1,000.00
f. Contractual			10,000.00		10,000.00
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	8,500.00	35,000.00	10,000.00		53,500.00
j. Indirect Charges	1,500.00	5,000.00			6,500.00
k. TOTALS (sum of 6i and 6j)	10,000.00	40,000.00	10,000.00		60,000.00
7. Program Income	\$	\$	\$	\$	\$

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The total of these to fields (red boxes) may not be more than 25% of the total grant award (green box)

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. THPO Administration Costs	\$	\$	\$	\$	
9. THPO Operations Costs					
10. THPO Contract/Subgrant Costs					
11.					
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$	

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal	\$	\$	\$	\$	\$
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16. THPO Administration Costs	\$	\$	\$	\$	
17. THPO Operations Costs					
18. THPO Contract/Subgrant Costs					
19.					
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$	

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: 53,500	22. Indirect Charges: 6,500
23. Remarks:	

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Sections C, D and E do not have to be completed for THPO HPF grants.

THPO Annual Budget Narrative Instructions

All costs in the narrative must meet the following requirements:

- Amounts must be rounded to the nearest dollar;
- Cost activities must be broken down into the same budget categories as those listed in Section B of the Non-Construction Budget Form (SF 424a);
- Cost estimates must include details of calculations (quantities, unit costs, etc.);
- The use of "miscellaneous expenses" or any similar term as a budget item is unacceptable;
- All expenses must be allowable under 2 CFR 200 and under the HPF Grants Manual.
- All expenses must reflect expenses incurred and work completed within the grant period.

Using the checklist below will help ensure that the narrative provides all necessary information.

1. Personnel -

- a) Is each position identified by title or responsibility?
- b) Is the basis for determining each person's position compensation described (annual salary x percent of time devoted to doing that function during the period of grant)?
- c) Are all personnel listed employees of the tribe or tribal elders (Note: if not, they are contractors)?

2. Fringe Benefits

- a) Is the amount of benefit for each staff person listed separately?
- b) Does the organization have an approved fringe benefit rate?

3. Travel

- a) Is the travel necessary for the purpose of the THPO HPF grant program (note: NAGPRA and repatriation related travel is unallowable under THPO HPF grants)?
- b) Are travel costs listed separately (transportation, hotel, meals, mileage)?
- c) Is the basis for computation provided (number of miles x current Federal mileage rate)?
- d) Do travel costs fall within Federal per diem rates?

4. Equipment

- a) Does the equipment have a useful life of more than one year and an acquisition cost of \$5,000 or more?
- b) Was the equipment competitively shopped to ensure the lowest cost?
- c) Are equipment items specified by unit and cost?
- d) Are purchases distinguishable from rentals or leases (vehicles, large items of equipment)?

5. Supplies

- a) Are supplies identified (not grouped simply as "supplies")?
- b) Are costs per unit identified and detailed?

6. Contractual

- a) Is the type of service to be contracted described?
- b) Can the contract be competitively bid, awarded and the work completed within the grant period?

7. Other

- a) Are items grouped by type (space rental, printing, phone, office supplies, etc.)?

8. Indirect Costs

- a) Does the tribe have a current Indirect Cost Rate Agreement against which indirect costs are calculated?
- b) Does the total amount of indirect costs and all grant administration costs, not exceed 25% of the grant budget (see SF424-A, Non-Construction budget for more information about administration costs).

SAMPLE NARRATIVE FOLLOWS

Sample Budget Narrative

- A. Personnel -** **Total \$35,000**
THPO. The THPO will spend 100% of their time working on THPO activities. The THPO's salary is \$60,000 annually. Grant funds will cover ½ of the THPOs salary, for one year (Oct 1, 2014 – September 30, 2015) of the grant period -- 50% of \$60,000 = \$30,000.
- Finance Officer. The finance officer will spend 10% managing THPO office finances. The finance officer's salary is \$50,000 per year and grant funds will cover 12 months (Oct 1, 2014 – Sept 30, 2015) of the grant period (10% of \$50,000 = \$5,000)
- B. Fringe Benefits –** **Total \$11,484**
 THPO: \$600 x 12 months = \$7,200; Financial Officer: \$350 x 12 months = \$4,284
- C. Travel -** **Total \$1,657**
 The THPO and two staff will travel by car/truck across the tribal lands for visit sites, to attend meetings and oversee projects over the 2 year period of the grant. (350 miles x 57.5 cents per mile = \$201)
- The THPO will travel to NCSHPO meeting in Washington, DC in September 2015 for 5 days and 5 nights (Federal per diem rates for Washington DC in 2015 are \$222 per day lodging x 5 nights = \$1,110, and \$71 per day for meals & incidentals x 5 days = \$355 for a total of \$1,456).
- D. Equipment** **Total \$5,500**
 One (1) ground penetrating radar system will be purchased (either Termatrac T3i Termite Detection Device or similar) to assist in archeological surveys on tribal lands. Approximate cost \$5,500.
- E. Supplies** **Total \$500**
 Office supplies needed during the grant period (paper, toner, printer ink, and files) \$500
- F. Contractual** **Total \$5,000**
 A flat rate contract will be awarded, after competitive bid, to consultant who will assist with Section 106 reviews of various Federal actions on tribal lands during the grant period. HPF grant funds will cover no more than \$5,000 of the contract.
- G. Other** **Total \$1,000**
 Estimated printing costs to publish 200 educational booklets on traditional tribal medicinal plants developed under FY 2014 THPO grant - \$1,000
- H. Indirect Costs** **Total \$6,209**
 Tribe will charge indirect costs, as per approved Indirect Cost Rate agreements, covering full grant period (Oct 1, 2014 – September 30, 2016). HPF funds will cover approximately \$6,000 of costs.

EXPENSES CHARGED TO GRANT

GRAND TOTAL \$66,350

Indirect Costs Explained

Indirect costs are costs which cannot be directly identified with a single contract or grant. The indirect costs are applied equitably across all of the business activities of the organization, according to the benefits each gains from them. Some examples of indirect costs are office space rental, utilities, and clerical and managerial staff salaries. To the extent that indirect costs are reasonable, allowable and allocable they are a legitimate cost of doing business payable under a U.S. Government contract or grant. A THPO must have a current indirect cost rate agreement to charge indirect costs to a grant.

How rates are established

Each Tribe negotiates its indirect cost rates with one government agency which has been assigned cognizance. For THPOs, this is most likely the Department of the Interior (DOI). Contact information for the DOI office that handles IDC's, and details about the agreements, can be obtained by contacting:

Interior Business Center, Indirect Cost Services

Phone: 916.566.7111

Email: ics@ibc.doi.gov

Web: http://www.doi.gov/ibc/services/Indirect_Cost_Services/indian_tribes.cfm

How to calculate the amount IDC included in the budget

Each organization's IDC rate will be different and will apply to different costs. Please note, a higher IDC rate, doesn't necessary lead to higher IDC costs. See the table below.

COMPARATIVE INDIRECT COSTS BETWEEN ORGANIZATIONS

Cost Elements	Company ABC	Company XYZ
Direct Labor	\$100,000	\$100,000
Fringe Benefits	<u>\$ 25,000</u>	<u>\$ 25,000</u>
Subtotal	\$125,000	\$125,000
Travel/Per Diem	\$ 80,000	\$ 80,000
Other Direct Cost	\$200,000	\$200,000
Equipment	\$ 40,000	\$ 40,000
Subcontracts	<u>\$ 50,000</u>	<u>\$ 50,000</u>
Subtotal	\$370,000	\$370,000
Total Direct Program Cost	\$495,000	\$495,000
Indirect Cost Calculations	\$ 75,000	\$123,750
	Company ABC's rate of 75% applies <u>only to direct labor</u> (75% of \$100,000 = \$75,000)	Company XYZ's rate of 25% applies to <u>total direct costs</u> (25% of \$495,000 = \$123,750)

CHAPTER 5 – GENERAL GRANT REQUIREMENTS

Agreement with Terms and Conditions of Award

PLEASE NOTE: The first draw down of grant funds from the tribe's ASAP grant account constitutes the tribe's concurrence with all of the terms and conditions of the grant agreement.

Grant Duration and Expiration of Funds

HPF grants to THPOs run for two fiscal years, beginning on the first day (October 1) of the Federal fiscal year under which the funds are appropriated, and ending on the last day of the following fiscal year (September 30). The start and end dates are specified in the grant agreement. *For example, the grant period for grants awarded with FY 15 funds will be October 1, 2014 (the first day of Federal Fiscal Year 2015) to September 30, 2016 (the last day of Federal Fiscal Year 2016).*

THPO HPF grants cannot be extended beyond the end date stated on the grant agreement.

Any and all funds not fully expended by the end date of the grant must be returned to the HPF.

Regulations Governing HPF Grants

THPO grants are governed by Federal, Departmental, Agency, and HPF program requirements. The list below is not comprehensive, but highlights the most common/important regulations.

OMB Circular - The majority of Federal Grant Requirements are provided in the Office of Management and Budget's (OMB) omniscircular, *2 CFR, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. It provides regulations on Federal grant administration and costs principles. Federal grant management circulars can be found on the White House website: http://www.whitehouse.gov/omb/grants_circulars.

Important Federal Acts Affecting HPF Grants

Anti-lobbying Act (18 U.S.C. 1913) – The Anti-Lobbying Act states that no funds appropriated by Congress may, without express authorization by Congress, be used to pay for any service or item, intended to influence a Member of Congress, a jurisdiction, or an official of any government, in any way regarding a bill, measure, or resolution proposing legislation, law, ratification, policy or appropriation.

Bacon-Davis Act - The Davis-Bacon and Related Act, applies to contractors and subcontractors performing on federally-funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

Coastal Barrier Island Resources Act - The Coastal Barrier Resources Act (16 U.S.C. 3501) prohibits any form of direct or indirect Federal assistance for projects located on a coastal barrier island. HPF grant *assistance for construction (including predevelopment work) or acquisition purposes* is prohibited on any coastal barrier island under the Coastal Barrier Resources Act.

Coastal Zone Management. The Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1451) prohibits Federal financial assistance to any governmental agency which is inconsistent with the requirements of an approved coastal zone management plan.

Civil Rights Act of 1964 – The Civil Rights Act of 1964 prohibits discrimination against the disabled. Title VI of the Civil Rights Act of 1964 states that no person will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Equal Opportunity Act of 1972 - Promotes equal employment opportunities for American workers.

Federal Funding Accountability and Transparency Act (FFATA) - The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards. All subgrants (not contracts for service) for \$25,000 or more must be reported in the [FSRS system](#).

National Environmental Protection Act (NEPA) – see chapter X, NEPA Requirements, for documentation requirements under HPF grants.

National Flood Protection Act - The Flood Disaster Protection Act of 1973 made the purchase of flood insurance mandatory for the protection of property located in Special Flood Hazard Areas.

National Historic Preservation Act (NHPA) – **Section 101(d)** establishes the THPO program and promulgates regulations to assist Indian tribes in preserving their particular historic properties. **Appendix A** – Appendix A specifies the SHPO duties that THPOs may assume on tribal lands. Appendix A can be found on page XX.

Code of Federal Regulations (CFR) - The CFRs bring together and summarize federal administrative laws by executive departments and agencies of the federal government. Those significant to the management of HPF grants include:

[2 CFR, Part 200](#) – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

[43 CFR 12](#) - *Department of the Interior's Codification of OMB Circulars, Administrative, Audit Requirements and Cost Principles for Assistance Programs***

[2 CFR 1400](#) – *Department of Interior, Non-Procurement, Suspension and Debarment*

[43 CFR 43](#) - *Department of Interior, Drug-Free Workplace*

[43 CFR 18](#) – *Department of the Interior – Bird Anti-Lobbying Amendment, Common Rule*

[36 CFR 61](#) - *National Park Service, Department of the Interior, Procedures for State, Tribal, and Local Government Historic Preservation Programs***

[36 CFR 800](#) - - *Protection of Historic Properties (incorporating amendments effective August 5, 2004)*

HPF Program-Specific Requirements - HPF program requirements are provided in the [Historic Preservation Fund Manual](#). The chapters below provide information that THPOs will find especially useful in managing their grants.

Chapter 6 – Grant Assisted Program Activities - This Chapter describes overall program objectives and eligible and non-eligible program activities for the various HPF Program Areas as specified in the National Historic Preservation Act, as amended. This Chapter is attached as Appendix 1, beginning on **page 59** (excluding exhibits).

Chapter 13 – Standards for Allowability of Costs - This Chapter provides standards for determining the allowability of selected items in accordance with Office of Management and Circulars (*the HPF Manual may be outdated so please check with the 2 CFR 200 for current information*). It also includes additional cost items specific to the Historic Preservation Fund program. This Chapter is attached as Appendix B, beginning on **page 99**.

Secretary of the Interior's Standards for Archeology and Historic Preservation

The [Standards](#) provide specific techniques to preserve historic properties and document their historic values and information. All work funded through the HPF grant must meet these Standards. Standards include: Preservation Planning, Evaluation, Identification, Registration,

Historical Documentation, Architectural and Engineering Documentation, Archeological Documentation, Professional Qualifications and Preservation Terminology.

HPF Grant and THPO Agreement Requirements – The requirements listed in the THPO certification agreement that the tribe signed with NPS, and all those included in the annual HPF grant agreement (which may be specific to that grant and or tribe).

Waivers of Grant Requirements

A THPO may submit a written request and justification for a waiver from an HPF program requirement, procedures, or policy. However, NPS cannot approve waivers from Federal, Department or Agency regulations.

Waivers of program requirements, when granted by NPS, will be in writing and will be for as short a time as necessary and in no case longer than the end of the grant.

CHAPTER 6 – ACTIVITIES REQUIRING PRIOR APPROVAL

Grant Modifications

Requests to modify the grant must be submitted to NPS for approval. NPS approvals must be obtained in writing.

Requests to modify the budget are common and allowable. A newly proposed budget must be submitted to NPS on a SF424a, *Non-Construction Budget Form*, following the same instructions used to complete the application SF424a, *Non-Construction Budget* (page 20).

Requests to modify the approved FY Workplan are allowable with NPS approval.

Requests for additional HPF annual funding are not allowable. No additional THPO HPF funding is available so NPS cannot approve requests for additional monies.

Requests for grant extensions are not allowable. THPO HPF grants run for two years. NPS will not approve extensions to the grants.

Equipment Purchases

“Equipment”, under Federal grants, refers specifically to tangible, nonexpendable personal property, including exempt property, charged directly to the award and having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Prior approval is required for any equipment purchased with HPF funds. The request must contain the following information:

- The grant number under which the funds are being used to purchase the equipment
- An description of the equipment being purchased and the reason that the item(s) is needed (how it supports the THPO programs)
- The cost of the item(s)
- Confirmation that the item(s) will be purchased following Federal (or stricter) procurement procedures

Preagreement Costs and Program Income

Certain costs and types of income are identified in the HPF Manual and/or the OMB circulars as needing prior agency approval. Included are:

Preagreement Costs – Eligible grant expenses incurred prior to the start date of the grant.

Program Income – Gross income received by the grantee that is directly generated by a grant supported activity, or earned only as the result of the grant agreement during the grant period. Refer to the OMB Circulars for detailed information on program income.

Fees charged for consultation by the Tribes are not considered Program Income. See Chapter 8

CHAPTER 7 – REPORTING REQUIREMENTS

Annual Grant Reporting Requirements

All THPOs receiving an annual grant must submit an annual HPF grant report. The deadline for the annual report is stated in grant agreement.

A complete Annual Report consists of:

- Annual Significant Preservation Accomplishments Report **
- Grants Product Summary Report **
- SF425, Federal Financial Report
- SF428A Annual Tangible Personal Property Report ***

**Instructions for completing these reports can be found beginning on [page 35](#).

A sample completed Annual Progress Report can be found beginning on [page 41](#).

***"Form used to report on equipment purchased under the grant ", under Federal grants, refers specifically to tangible, nonexpendable personal property, including exempt property, charged directly to the award and having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

The SF428 series of Federal forms are used to report on equipment at various times throughout the grant period:

SF428A, Tangible Personal Property Annual Report: This Attachment is to be used by recipients of Federal financial assistance to provide annual inventory listings of Federally-owned property.

An SF428B, Final Tangible Personal Property Report: This Attachment is to be used by recipients to provide a final property report for closeout of Federal assistance awards. The Attachment allows recipients to request specific disposition of Federally-owned property and acquired equipment. The attachment also provides a means for calculating and transmitting appropriate compensation to the awarding agency for residual unused supplies.

428C, Tangible Personal Property Disposition Request: This Attachment is to be used by recipients when requesting disposition instructions or to report disposition of Federally-owned property or acquired equipment under Federal assistance awards at any time other than award closeout (i.e., during the award period or after closeout as long as the Federal government retains an interest in the item).

***SF428 forms can be found on the White House Grant Management Forms website http://www.whitehouse.gov/omb/grants_forms.

Grant Close-Out Reporting Requirements

THPOs must submit final financial reports in order to close out the grant. These reports are due within 90 days of the expiration date of the grant but may be submitted earlier if all grant work is complete and all expenses have been incurred and paid out.

A complete THPO HPF grant Close-Out Report consists of:

- Final SF425, Federal Financial Report
- Final SF424a, Non-Construction Budget (showing budget breakdown of actual expenditures for the grant period)**
- SF428B, Final Tangible Personal Property Report

**Program-specific instructions for completing the final budget begin on [page 47](#).

NPS/THPO Certification Agreement Reporting Requirements

Whether or not the tribe has expended grant funds, or the grant has been terminated, the *Annual Significant Preservation Accomplishments Report* and *Grants Summary Report* must be submitted as required under the tribe's THPO certification agreement.

Guidelines - Significant Preservation Accomplishments Report

The following guidelines are provided for Tribal Historic Preservation Officers (THPOs) to use in the development of their annual Significant Preservation Accomplishments Report.

In addition to the information contained within the Historic Preservation Fund Manual, basic documentation requirements are found in Article 8 of the tribe's THPO Partnership Agreement.

The THPO Agreement contains the following minimum requirements for each THPO report:

1. *The number of additional properties surveyed and added to the Tribe's inventory;*
2. *The number of Federal undertakings reviewed pursuant to Section 106 of the Act, and;*
3. *A description of any educational activities and programs carried out.*

A discussion of these three subjects is the minimum requirement to satisfy the narrative portion of your report obligation. Please note that additional reporting forms are required as described in the following discussion.

The Annual Report provides a framework for NPS to compare actual results achieved during the annual grant period (October 1 through December 31 of the following year) to the planned performance specified in the grant application and approved through the Grant Agreement. It includes all activities for which costs were incurred during the grant period, whether funded by the previous or the current year's Annual Grant, or both. NPS expects that the Tribe's tracking and reporting system results in data which are accurate, replicable, and based upon regularly updated source records.

Significant Preservation Accomplishments Summary. Each Tribe must submit an Annual Accomplishments Narrative, that discusses three to five of the Tribe's significant accomplishments ("success stories") that resulted from HPF grant assistance during the fiscal year. The narrative must explain how each selected project or activity is identifying, evaluating, documenting, designating, preserving, or protecting significant historic and archeological properties. (These "success stories" may be used by NPS in its annual reports and other written material to illustrate the benefits of the HPF grant program.)

Guidelines - Annual Grant Products Summary Report (GPS)

The following guidelines are to be used in completing the Grant Products Summary Form. Except where specifically stated, the guidelines apply to all Grant Products Summary Forms sent by Tribes.

A. General Guidelines.

1. Fill in all blanks. Do not combine data unless requested to do so.
2. Only activities funded or administered with HPF grant monies or used as allowable matching share should be reported on the Grant Products Summary.
3. In the Heading, list the date of the current submission. This will help NPS ensure that only current data will be used for review and reports.
4. General-purpose definitions are appended.
5. Double counting of products in some situations may be appropriate. For example, the area of a survey for both architectural/historical and archeological resources should be counted twice.

B. Review and Compliance Program Area.

1. Report Products on the review of Federal compliance with Section 106 of the National Historic Preservation Act as amended and 36 CFR 800 only.
2. Do not include reviews on the Grant Products Summary Form of Federal activity performed for compliance with other laws (e.g., the Archeological Resources Protection Act, the National Environmental Protection Act, etc.) or reviews of Tribe or local undertakings carried out pursuant to Tribal or local regulations (this includes project or design review conducted by tribal planning commissions). These remain eligible activities. A summary of these reviews may be included in a Grants Product Summary continuation sheet or as a narrative in the Annual Report, if desired.
3. Products completed pursuant to a Programmatic Agreement, a Memorandum of Agreement, a "Conditional" No Adverse Effect Agreement, or other agreements are reported in the same way as any other product. For example, a National Register eligibility opinion provided pursuant to a Programmatic Agreement is reported with other eligibility opinions, and a survey performed pursuant to a "Conditional" No Effect agreement is reported in the Survey and Inventory Program Area.
4. For both the "Properties Meeting National Register Criteria for which a Written Eligibility Opinion Is provided" figure and the "Properties Not Meeting National Register Criteria for which a Written Eligibility Opinion is provided" figure, Tribes must count individual properties and each property of a group whose eligibility is specifically and individually

addressed. The written opinion must enable the Federal agency to identify, locate and understand the significance of each property to which the Tribe refers.

5. For the purposes of Grant Products Summary Form, include opinions that there is not enough information to determine National Register eligibility in the "Properties Not Meeting National Register Criteria for which a Written Eligibility Opinion is provided.
6. The rule of thumb for counting previously evaluated properties is whether the Tribal Office reevaluates the property's eligibility. Many properties change from eligible to ineligible (and vice versa) over time. If the Tribe evaluates or reevaluates a property's eligibility because there is some reason to believe its standing might have changed, it is reported; otherwise, previously evaluated properties are not reported.
7. "Findings of 'No Properties' refers to written opinions provided to a Federal agency when the Tribe concurs with a Federal agency's finding that there are no National Register eligible or listed properties (historic or prehistoric properties) within the Federal undertaking's area of potential effect or APE (i.e., "No properties;" see 36 CFR 800.4(d) (1)).
8. "No Effect' On Which Written Opinions Are Provided," refers to written opinions provided to a Federal agency if the THPO finds that there are historic or prehistoric properties present but that the Federal undertaking will have no effect on National Register eligible or listed properties as defined in Sec. 800.16(i).
9. "No Adverse Effect' for which the HPO provided a written opinion" refers to written opinions provided to a Federal agency as to whether or not the Tribe agrees with (or believes that there should be) a Federal agency finding that its Federal undertaking would have "No Adverse Effect" (see 36 CFR 800.5.(b))
10. "Adverse Effect' for which the HPO provided a written opinion" refers to those written opinions provided to a Federal Agency that an undertaking would cause Adverse Effects to the area of potential effect on National Register or eligible properties according to the criteria set forth in 36 CFR 800.5(a) (1), (2) (i)-(vii).
11. "Number of Properties meeting National Register Criteria for which written opinions were provided" refers to providing written opinions to a Federal Agency regarding the identification and evaluation of properties for their historic significance in reference to 36 CFR 800.4 (c).
12. "Number of Properties Not Meeting National Register Criteria for which written opinions were provided" refers to those written opinions provided to a Federal Agency regarding the identification and evaluation of a property for historic significance for which the eligibility criteria are not met. (See 36 CFR 800.4 (c) (2)).
13. The unit of measure for all of the "Effect" determinations is the number of undertakings for which the Tribe provides a written opinion. Only one finding per undertaking per Federal fiscal year is to be reported. In other words, the reviews of multiple drafts of a proposed

undertaking must not be reported within a single Federal fiscal year. However, if the Tribe has provided its written opinion on an undertaking's effect, and the Federal agency submits a completely new proposal that would change the effect of the undertaking and the Tribe provides its written opinion of the new effect, then the second written opinion is reported. The most common example of this would be where the planned path of a new highway has been changed.

14. Findings must be reported at their greatest level of effect. For example, if a Tribe provides its written opinion that a single undertaking has "No Effect" on seven National Register eligible properties and an "Adverse Effect" on three properties count the undertaking as one "Adverse Effect" and report it in the "Other Effects" blanks in the Grant Products Summary.
15. If a single undertaking ends with multiple Federal agency findings for the properties included within its scope, the Tribe must not count its comments more than once on the Grant Products Summary. If, in addition, a Tribe wishes to report all of the findings within an undertaking it may do so, but only on a continuation sheet or in a narrative accompanying the Grant Products Summary.
16. "Memoranda of Agreement" (MOAs) pertain to specific Federal undertakings rather than a type of activity (e.g., a project to renovate a specific Post Office building, rather than a program to remove asbestos from schools).
17. "Memoranda of Agreement Signed" includes both new and revised MOAs. Only one MOA per undertaking per Federal fiscal year should be reported unless there has been a substantive revision made to an executed MOA within that time. The THPO's signature will be taken by NPS as assurance that the Tribe has made a substantive contribution to the MOA.
18. Reviews reported in this area must be substantive (i.e., involving examination of project documents) to be counted. For example, merely extending an MOA without review should not be counted.
19. "Programmatic Agreements Signed" (PAs) should include new and revised, (but not just renewed; there must be substantive changes), for which substantive work has been performed. These Products refer to types of activities, not specific undertakings. They may be initiated by either the THPO or a Federal agency. They are signed by the Federal agency representative and the THPO and are executed by the Advisory Council on Historic Preservation. See 36 CFR 800.13 for further information on PAs. Because the Tribe's work is complete when the THPO signs the PA, the product is reported at that point. The THPO's signature on the PA will be taken by NPS as assurance the substantive work has been performed.
20. "Survey and Inventory" is activity directly pertinent to the location, identification and evaluation of historic and archeological resources. Inventory activity relates to the maintenance and use of previously gathered information on the absence and presence, of

historic and archaeological resources within tribal lands. For this entry include the total acreage for which this activity was performed. This category is further delineated into two additional sub-categories.

21. "Archaeological" refers to a sub-category of the survey and inventory program area. Include the acreage surveyed as defined within the eligible activities of archaeological survey as set forth in Chapter 6 (H) (3) of the HPF Grants Manual.
22. "Architectural or Historical" refers to a sub-category of the survey and inventory program area. Include the number of prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource.
23. Historic Preservation Public Education includes those activities listed within Chapter 6 (D) (3) of the HPF Grants Manual: *"(1) activities to increase overall public awareness of technical preservation methods and techniques having application to historic and archeological properties, (2) dissemination of information to promote working relationships with the public and private sectors to achieve HPF grant objectives, (3) explanation of historic preservation planning and/or the goals of the Tribal Plan to Tribal, State and local governments and to public or private audiences; and (4) dissemination of the results of grant-funded work, including explanation of accomplishments, problems, and issues directly related to grant-assisted activities to the Tribal preservation constituency. In addition, refer to Chapter 13, items B.36, B.37 and B.49 for applicable allowable costs.*

In the **End-of-Year Report**, report activity in each program area specified in the THPO MOA: The report will include, at a minimum, the number of additional properties surveyed and added to the Tribe's inventory, the number of Federal undertakings reviewed pursuant to Section 106 of the Act, and a description of any educational activities and programs carried out. The report shall not be construed as requiring the provision of information that the Tribe deems to be sensitive or culturally inappropriate. If there has been no activity for particular blanks, enter zero.

Planned Products are results to be achieved, reviews to be performed, etc. For the End-of-Year Report, Products are those actions and results that were produced during the reporting period. It does not refer to the number of items received during the reporting period, or to activities undertaken but not completed. For example, an item that is received during FY "1996" but upon which action is not completed until FY "1997" should be counted in the FY 1997 Annual Grant Application Grant Products Summary and the FY 1997 End-of-Year Report, not in the FY 1996 End-of-Year Report.

BLANK GRANTS PRODUCT SUMMARY FORM ON THE NEXT PAGE

Historic Preservation Fund Grants to THPOs Grant Products Summary Form

Tribe: _____ Fiscal Year: _____
Prepared By: _____ Date: _____

Submit this form with the Annual Accomplishments Report by the date stated in your grant agreement. This form records accomplishments by the Tribal Historic Preservation Office using HPF grant funds during the calendar year. Enter "N.A." if the category is not applicable. Use "o" if no activity occurred in the category. For questions, please contact the NPS, Tribal Preservation Program.

Section 106 Review	Number of Federal findings of " No Properties " for which your office provided a written opinion	
	Number of Federal findings of " No effect " for which your office provide a written opinion	
	Number of Federal findings of " No Adverse Effect " for which your office provided a written opinion	
	Number of Federal findings of " Adverse Effect " for which your office provided a written opinion	
	Number of Memoranda of Agreement Signed/ Number Received and Reviewed	
	Number of Programmatic Agreements Signed/ Number Received and Reviewed	
	Number of Properties meeting National Register Criteria for which written eligibility opinions were provided	
	Number of Properties <u>Not</u> Meeting National Register Criteria for which written eligibility opinions were provided	
Listings on Registers (Optional)	Number of Properties Nominated to the National Register	
	Number of Properties Listed Tribal Register	
Survey and Inventory	Area Surveyed (in Acres)	
	Archaeological Sites	
	Architectural or Historical Sites	
Historic Preservation Public Education	Number of Activities Sponsored or Participated, e.g.: sites visits, consultations, presentations, etc.	
Other consultations, reviews, requests, etc.	Non Federal Consultations, i.e., responses to city, county and state agencies scoping requests.	

Sample Annual Report

Executive Summary

FY 13 brought many challenges and rewards to the Chippewa Cree Cultural Resources Preservation Department (CCCRPD). As the Department continues to grow and improve upon the processes and infrastructure built in the previous years, newly created challenges have been encountered both internally and externally. The federal government sequestration has caused many Tribes, to include the Chippewa Cree Tribe, hardship in meeting federal mandated regulatory requirements. Likewise, the federal government agencies are tasked with increasing work load with less funding for personnel and travel to address those workloads. This situation has had direct impact on THPO Offices around Indian Country in their ability to comment on programmatic agreements with the federal government, pedestrian surveys, educational activities etc.

The federal government has created a new trend of "streamlining" the permitting and approval processes for projects taking place on federal lands. They are doing this through broad reaching "programmatic agreements" that in short create a single approval process that will be accepted by multiple agencies. 106 consultations is a major component to these types of agreements, as well as consultation with Tribal governments. The CCCRPD engaged in several discussions with several federal agencies that wanted input from Tribes and THPO on the programmatic agreement. These agreements are very complex and have several impacts on how, when and what manner federal departments will solicit Tribal input on actions impacting federal lands. The problem that many THPO offices have, with very limited grant funding, is the ability to comment on such complex programmatic agreements. The CCCRPD dealt with four major proposed Programmatic Agreements, Northern Boarder Agreement and Keystone XL Programmatic Agreement, Ross Project Programmatic Agreement, FEMA Programmatic Agreement, each with an average of 300 to 500 pages to review in FY 13. Each of these agreements have major implications for how Tribes will be allowed to interact with federal departments and what will be considered "worthy of preserving." The CCCRPD see this new trend as a threat to Indian County, in particular preservation of sacred items. In most of the above agreements, the federal government has attempted to "mitigate" the Tribal Consultation requirement through bureaucratic policies.

Since the CCCRPD has developed a very systematic approach to handling consultation with outside entities through a permitting "like" process, the department has been very busy working on requests, primarily for Federal Communication Commission during cell phone tower permitting activities. The CCCRPD made several presentations at national academic conferences such as Society of American Archeologists (SAA), and the National Tribal Historic Preservation Officers Association (NATHPO). The CCCRPD values training and education of tribal members, allowing them to contribute to the preservation of our cultural and history. To this end, the CCCRPD conducted its annual monitor training in May of 2013. This training was attended by over 30 tribal members, and federal and tribal departmental employees. The Department also received an FEMA Hazardous Mitigation grant to develop a contractor's training video. This video will be comprehensive and include competency tests at the end. The goal is to make the video content available via internet so all tribal departmental staff and contractors will be require to take the training to become familiar with federal and tribal historic preservation laws and processes. The CCCRPD also continued to send trained monitors out on several projects, both on reservation and off reservation during FY 13.

Chippewa Cree Cultural Resources Preservation Board (CCCRPD)

As an official Tribal department the CCCRPD has a board that oversees the activities of the Department. The Board is the governing body for the CCCRPD. The Board consists of elected Council. Current members of the Board include:

- Ted Demontiney, Chairman (Elected Business Committee member)
- Dustin Whiteford, (Elected Business Committee member)
- Harlan Baker, (Elected Business Committee member)
- Gerald Small, (Elected Business Committee member)

I. Number of Additional Properties Surveyed and Added to the Tribe's Inventory.

During fiscal year 2013, The THPO of Rocky Boy performed three (3) archaeological surveys and five (5) architectural/historical surveys for a total of 321 acres that were added to the Tribe's inventory.

II. Number of Federal Undertakings Reviewed Pursuant to Section 106 of the Act

A total of thirteen (13) federal undertakings were reviewed pursuant to Section 106 of the Act during the fiscal year of 2013.

- Natural Resource Conservation Service (NRCS)—Performed walk on surveys for the following:
 - On reservation—Square Butte Pipeline—Monitored
 - Reservation Range Unit Inventory, May 29, 2013
- U.S. Park Service—Consultation on Yellowstone Park. Meeting held in Helena, July, 2013.
- Federal Communication Commission (FCC)—Reviewed total of 1716 requests for 106 consultations.
- U.S. State Department—Keystone Pipeline Project—Participated in roundtable discussions in Billings, MT November 2012 and Rapid City, SD in May 2013.
- U.S. Environmental Protection Agency—
 - Inspection of MT1 Marrion and Agency Tank
- Bureau of Land Management (BLM) –
 - Continued work on Programmatic Agreements
 - Homestake Pass Site
 - Sweetgrass Hills (Timber marking and selective thinning)
- U.S. Department of Homeland Security
 - Northern Boarder Programmatic Agreement
- U.S. Department of Energy, Fossil Fuels—Consultation on 106 for Montana Sequestration Research Project (Kevin Dome) Meeting held in Great Falls, MT Oct 2012, Great Fall, Jun 2, 2013, Helena, MT July 2, 2013

- FAA—Rural Airport Improvements
 - Cut Bank Airport
 - Anaconda Airport
- Wyoming National Guard
- Federal Emergency Management Administration (FEMA)
 - Programmatic Agreement Consultation

III. Description of any educational activities and programs carried out

Education is a continual activity and a core function of the CCCRPD. For the past three years, the CCCRPD has struggled with finding funding to support web based training opportunities. The new age of technology is making DVD, VHS media types obsolete. Last year, the Tribe received funding from a FEMA Hazardous Mitigation Grant to produce a training video that will be used by tribal employees and contractors working on tribal lands so that they understand the federal and tribal cultural resources protection laws, processes and penalties. This video will be converted to an interactive web training program that will include competency tests. It is the intent that before any contracts or new hires, this video training will be required. The final product will be released during FY 14.

The THPO officer attended a three-day training put on by Park Services at Denver in January 2013. This was a very information training and very beneficial to the THPO. For the first time, training on 106 for ALL federal agencies was conducted. The CCCRPD recommends that this type of training is conducted at least once every three years.

The THPO also attended training for the Institute of Museum Library Services (IMLS) grant writing in Anchorage, Alaska. The intent of this training was to inform tribal professionals on what to focus during IMLS grant applications.

The CCCRPD presented at many national conferences on working in Indian Country and consultation with federal government entities. Their presentation, entitled "The Good, the Bad and the Ugly: Consulting with the Federal Government" was presented to a wide audience during the Society of American Archaeology meeting in Honolulu, HI.

The THPO continued to perform many presentations to college students, teachers and other community members on a per-request basis. Below is a snap shot of activities that were conducted during FY 13.

- CCCRPD Cultural Monitor Training—Conducted in partnership with University of Montana.
 - May 6-9, 2013, Stone Child College. Over 30 individuals attended.
- Great Falls Public Schools
 - 9 Montana teachers toured and experienced training from CCCRPD staff, June 17, 2013
- Montana State University-Northern
 - Presented to Native American Studies class on Rocky Boy History, Jan 25, 2013

- University of Montana
 - Presented to graduate classes, March 2013
 - Presented at law school July 2013
- Testimony to Montana State Legislature on Indian Preservation Language Bill
 - Presented testimony January 2013
- Filming Training Video
 - July 10-12
 - August 14-16

IV. Significant Preservation Accomplishments Summary

CULTURAL PRESERVATION AND PROTECTION

The CCCRPD is pleased to report that Phase one of our website has been implemented. The website has helped organize the CCCRPD permitting process as well as creates a revenue stream for the CCCRPD. The website tracks requests and automatically sends notifications to the THPO, Archeologist and secretary for the CCCRPD office. Also built into the system is a 10 day reminder notification system for requests that need action before the 30 day limitation.

The CCCRPD is currently working on Phase II as outline below for the next fiscal year. To make the most of advanced technology resources, the CCCRPD is looking at the possibility of creating a “virtual” repository that will implement 3-D technology for the view to observe artifacts virtually. It is the hope and dream of the CCCRPD that through advance technology, sacred items can remain protected but also available for Tribal members.

- Phase 2: Server establishment/Database
 - Development of database or databases that will host variety of information
 - Cultural sites
 - Historical documents
 - Historical photos
 - Genealogy
 - Permits/violations

Inter-Tribal Organization and Representation

The CCCRPD has been actively involved in supporting relationships with all Tribes within Montana and Wyoming as well as several Tribes in North and South Dakota. There are several pipeline and electric transmissions projects that are going through the permitting process. By working as a unified group, we have been able to effectively bring federal agencies such as BLM and the Army Corp of Engineers to the table. Also, we have been able to make use of other



models that are being implemented with success by other Tribes. As the number of THPO programs grow across the Nation, regional collaboration will become more important in address unique concerns to each region.

V. Accomplishments Narrative

A. Task One: **Completed/Partially Completed/Not Accomplished/Carried Over/Canceled**

(1) **Accomplished** Review all tribal cultural reviews/archaeological surveys that pertain to on-reservation cultural resources or have the potential to effect on reservation cultural resources.

- Provided all the walk-on survey's Natural Resources Department in respects to :
 - Two (2) timber harvest sales sites
- Chippewa Cree Housing Authority
 - Provided pedestrian cultural review for two (2) Housing Sites to include ROWs
- Chippewa Cree Planning Department
 - St. Peirre Ridge Cell Phone Site



(2) Review Tribal Cultural reviews/archaeological surveys off-reservation in collaboration with State of Montana on surveys of Ojibwa and Cree historical resource sites. **Completed**

- CCCRPD reviewed a total of 1716 reviews of archaeological surveys off-reservation.

(3) Update the Programmatic Agreement with the Bureau of Reclamation

- **Partially Completed.** CCCRPD is still in reviewing and meeting with Bureau of Rec. The CCCRPD has provided comments in regards to this agreement.

Assist with Site Development regarding the Professional Services Agreement between CCCRPD and contract archaeologist (CA). The CA will provide technical assistance and training with Cultural Resources Protection. Other services in the agreement include: **Accomplished**

- CA will conduct, as necessary, professional Class I, II, and III cultural resource inventory of the areas associated with the Tribes Section 106 On-Reservation Development Projects.
- CA will provide archeological services, training, and technical assistance as needed.
- CA will provide technical assistance in development comments for NAGPRA and other Federal statutes with Tribal Elders and community input.

(4) Participation and plan for regional Cultural Resource management training for all THPO and regional federal and state agencies. **Accomplished.**

- Meet in Flathead Community College with MT/WY THPO, SHPO, BLM, BIA and Federal Solicitor Sept. 15-7 2013.

(5) Continue to monitor and participate with the Federal Communication Commission. Note: Each proposed site sent to the THPO office by the FCC is on the computer database. **Accomplished**

- Reviewed 1698 requests.

(6) Document the number, origin, area, agency, proposed activity, and date of all off-reservation requests for cultural review that pertain to the Chippewa Cree Tribe and respond as time allows. **On-going.**

- Requests are submitted through the CCCRPD website. Staff responds to requests within 30 days.

(7) Conduct on going inventories of cultural sites within the exterior boundaries of the Rocky Boy Indian Reservation and to create a Chippewa Cree Tribe database that identifies sites that would be identified utilizing our GPS unite and that would be considered culturally sensitive. **On-going.**

- CCCRPD continues to develop database functions and will be working with the Chippewa Cree Planning department on common GPS protocols and coordination.

(8) Continue with data base development in putting THPO site documentation on a database. **On-going.**

- Maintain a database of clients submitting request for consultation. These requests are for both on reservation and off reservation as well as FCC requests that are sometimes out of the state. Maintain and provide email accounts and email communications for members of the CRPD staff. This includes standard emailing as well as providing provisions for transferring large files back and forth between CRPD staff and those doing business with the CRPD. Maintain and update a data storage server.

(9) Participate in repatriation in collaboration with the University of Michigan-Anne Arbor of Pokagon Ojibwa human remains.

- Participated in ceremonies in Michigan October 2012

(10) Provide presentations to local K-12 and area colleges as requested. **Accomplished**

- Presented to MSU-N Native American Class
- Presented to University of Montana graduate class

THPO HPF-Specific SF 424-A Final Budget Breakdown Instructions

SECTION A - Budget Summary

USE BUDGET FORM THAT FOLLOWS THESE INSTRUCTIONS

1.e. Enter the amount of the Federal THPO grant award.

1.f. THPOs are not required to commit matching share (applies to SECTION C as well); however, if matching share was included in the application, the amount of actual matching share expended must be reported in this field.

Matching share used under this grant is subject to all of the same Federal regulations and audit requirements as Federal share.

SECTION B - Budget Categories (Columns 1, 2 and 3)

Please report the actual, final budget breakdown of costs actually expended for the grant that is being closed-out.

All costs must be correctly broken down under columns 1, 2 and 3 based on the type of cost, as described below.

4. Column 1 - **Administrative Costs**

Costs not related to specific HPF program area activities (national register, survey and inventory, education, review and compliance, etc), but rather related to general office administration or "overhead" activities such as:

- e. Formulating the grant budget;
- f. Preparing the grant application or Annual Reports;
- g. Financial administration of the grant/payroll;
- h. Property management.

5. Column 2 - **Operation Costs**

Costs related to specific HPF program area activities such as national register, survey and inventory, education, review and compliance, etc. These are activities that directly contribute to the accomplishments of the THPO responsibilities, such as:

- a. Personnel/Payroll costs for work related to THPO project goals;
- b. Equipment/supplies needed for specific THPO projects;
- c. Travel expenses for THPO goal-related meetings/conferences.

6. Column 3 - **Contracts and Subgrants.**

Costs paid through contracts and/or funds given as subgrants to entities other than THPO/tribal staff.

Some costs may be split between columns. For instance, if a staff person spent time performing both "administrative work" and "operations work" duties, their salary should be divided between the two columns 1 and 2 based on the percentage of time spent doing each type of work.

No more than 25% of the entire budget may be applied towards administrative costs listed under Column 1, and "indirect costs" listed under all three columns of line j.

Budget Object Class Definitions

11. Personnel. Direct employees of the THPO/Tribe. Honoraria for Elders providing consultation should go under “other costs.”
12. Fringe Benefits. Compensation given in addition to direct wages or salaries, such as medical insurance, paid holidays, etc. This may not exceed what is typically awarded to other Tribal staff.
13. Travel. All costs related to travel. Costs must be based on the current Federal fiscal year’s per diem and mileage rates.
14. Equipment. Tangible, non-construction, non-expendable personal property, charged directly to the award, which has a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
*All equipment purchases must be submitted to NPS by email or letter, and approved by NPS permission prior to purchase.

List all equipment included in budget in Section F.

15. Supplies. Non-construction items costing less than \$5,000 per unit that do not meet the definition of equipment.
16. Consultants/Subgrants. Individuals/businesses/organizations providing professional advice or services on the basis of a written agreement for a fee. All consultants must be competitively selected unless written approval is provided by NPS.
17. Construction. Construction includes all predevelopment work (plans, studies), construction equipment/supplies/materials/ labor and any other construction-related fees such as inspections, reviews, etc. The total amount in this line item will be further broken down on the SF424c, *Construction Budget Form*.
18. Other. All expenses that do not fit into any of the above categories such as: honoraria for Elder’s consultations, printing, dues, conference fees.
19. Indirect Charges: Indirect costs are eligible for reimbursement and must be based on the THPO’s approved indirect cost rate agreement. Indirect costs are costs that are not directly attributable to a specific project or grant.

The total of all indirect costs plus all administration costs (Column 1) may not be more than 25% of the grant award.
20. Program Income. Gross income earned by a grantee that is directly generated by a grant supported activity, during the period of the grant agreement (or received by a contractor/subgrantee during the period of their HPF funded agreement).

SECTION D and E – THPOs do not have to complete these sections.

SECTION F – Other Budget Information

Fields 21 and 22 - Enter the total amount of Direct Charges and Indirect Charges.

Field 23 - List all equipment purchased under the grant.

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Historic Preservation	15.904	\$	\$	\$	\$	\$ 0.00
2.			0.00			0.00
3.						0.00
4.			0.00			0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					
	(1) HPO Administration	(2) HPO Operations	(3) Subgrants/Contracts	Total		
a. Personnel	\$	\$	\$	\$	\$	\$ 0.00
b. Fringe Benefits						0.00
c. Travel						0.00
d. Equipment (\$5,000 or more per unit)						0.00
e. Supplies (under \$5,000 per unit)						0.00
f. Contracts/Subgrants (pass-thru)						0.00
g. Construction Materials/Labor						0.00
h. Other						0.00
i. Total Direct Charges (sum of 6a-6h)	0.00	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges						0.00
k. TOTALS (sum of 6i and 6j)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
7. Program Income	\$	\$	\$	\$	\$	\$ 0.00

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CHAPTER 8 - FEES CHARGED FOR CONSULTATION

The following pages contain the July 6, 2001, Memorandum from the Advisory Council for Historic Preservation (ACHP) addressing the authority for tribes to charge consultation fees to Federal agencies and other organizations for requested tribal participation in the Section 106 process.

NPS has determined that these fees are **not** counted as program income for the THPO HPF grant program and should not be reported as part of the THPO HPF financial reports. Tribes should however, keep accurate records of the Section 106 projects for which fees were collected for audit purposes.

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue. NW. #809
Washington. DC 20004

MEMORANDUM

July 6, 2001

To: Federal Preservation Officers
Tribal Historic Preservation Officers
State Historic Preservation Officers
Indian Tribes

From: Executive Director

Subject: Fees in the Section 106 Review Process

There has been a growing concern about the practice of certain parties charging fees from Federal agencies or their applicants for their participation in the Section 106 process. In particular, the issue has emerged in the context of Indian tribes and their participation in the process. While the question of fees has many dimensions that will require more detailed attention over the long term, this memorandum is intended to provide some immediate guidance on the current tribal issue.

Background. The concern that has arisen centers around requests by Indian tribes to be compensated for activities connected to the Section 106 process. To address the issue, there are certain fundamental points that need to be acknowledged:

- Neither Section 106, 16 U.S.C. § 470f, nor the Council's regulations, 36 C.F.R. Part 800, require a Federal agency to engage anyone to provide data or information for Section 106 compliance. While the agency does have an obligation to obtain necessary information to fulfill its legal duties, it has full discretion regarding the means used to meet this obligation.
- Neither Section 106 nor the Council's regulations impose a duty on an applicant for Federal assistance or approval to develop information and analyses for Section 106 compliance or to engage contractors to do so. If a Federal agency has the authority to impose the development of such information and analyses on the applicant and chooses to do so, the legal basis for that obligation on the applicant lies in the Federal agency's authorities and does not derive from the Council's regulations.
- The National Historic Preservation Act (NHPA) does obligate a Federal agency to consult with Indian tribes that attach religious and cultural significance to historic properties when the

agency's undertakings will affect such properties. The Council's regulations specify how that consultation takes place.

- The NHPA and the Council's regulations authorize Federal agencies to contract with others, including Indian tribes, to provide information for complying with Section 106, and encourage agencies to actively involve Indian tribes in the Section 106 review process. However, neither authority requires Federal agencies to pay for any aspect of neither tribal nor other consulting party participation in the Section 106 process.

The role of Indian tribes in the Section 106 process. An underlying policy of the NHPA and the Council's regulations is that historic resources of significance to Indian tribes deserve full consideration in the Federal planning process and that Indian tribes possess a special perspective on and relation to these resources. This policy finds expression in provisions of the Section 106 regulation that encourage agencies, when identifying historic properties, to seek information from Indian tribes on those historic properties that have religious and cultural significance to them and that establish a consultative role for Indian tribes, both on and off their tribal lands, which provides them an opportunity to make their views known throughout the Section 106 process. These two tribal roles are not treated the same when it comes to compensation, although the line between them may not be sharp.

Facilitating tribal participation. At the outset, it must be stressed that the Council encourages Federal agencies to take the steps necessary to facilitate tribal participation at all stages of the Section 106 process. These steps may range from scheduling meetings in places and times that are convenient for Indian tribes to paying travel expenses for participating tribal representatives. Indeed, Federal agencies are strongly encouraged to use resources, consistent with their authorities, to overcome financial impediments that Indian tribes may have to effective participation in the Section 106 process. Likewise, applicants for Federal assistance that assume responsibilities for carrying out Section 106 functions are urged to do the same. However, this encouragement by the Council is not a legal mandate nor does any portion of the NHPA or the Council's regulations require an agency or an applicant to pay for any form of tribal involvement.

Tribal consultation. Throughout the Section 106 process, the regulations impose on Federal agencies (and applicants who assume an agency's duties) an obligation to consult with Tribal Historic Preservation Officers and Indian tribes. These occasions range from the initial scoping of Section 800.3, through the identification, evaluation and effect assessment of Sections 800.4 and 800.5, to the resolution of adverse effects in Section 800.6. The purpose of this role is to give the Indian tribe an opportunity to get its interests and concerns before the agency. In these situations, the Federal agency obligation is to seek and consider the views of participating Indian tribes. This means it must make an effort to solicit a tribe's opinions and factor them into the decisions that the agency must make on the project. The consultation requirement thus gives an Indian tribe the ability to advocate the outcome it would like to see the agency ultimately take in the final project decision.

When the Federal agency or applicant is seeking the views of an Indian tribe to fulfill the agency's legal obligation to consult with a tribe under a specific provision of the Council's regulations, the agency or applicant is not required to pay the tribe for providing its views. If the agency or applicant has made a reasonable and good faith effort to consult with an Indian tribe and the tribe refuses to respond without receiving payment, the agency has met its obligation to consult and is free to move to the next step in the Section 106 process.

When payment is appropriate. When, during the identification phase of the Section 106 process, an agency or applicant seeks to identify historic properties that may be significant to an Indian tribe, it may ask for specific information and documentation regarding the location, nature, and condition of individual sites, or actually request that a survey be conducted by the tribe. In doing so, the agency essentially asks the tribe to fulfill the role of a consultant or contractor. In such cases, the tribe would seem to be justified in requiring payment for its services, just as any other contractor. The agency or applicant is free to refuse, but retains the obligation for obtaining the necessary information for the identification of historic properties, the evaluation of their National Register eligibility, and the assessment of effects on the historic properties. Ultimately, the Federal agency must be able to demonstrate that it made the "reasonable and good faith effort" that Section 800.4(b) of the Section 106 regulations requires.

Summary. While the Council's regulations encourage the active participation of Indian tribes, they do not obligate Federal agencies or applicants to pay for consultation. If an agency or applicant attempts to consult with an Indian tribe and the tribe demands payment, the agency or applicant may refuse and move forward. If, on the other hand, the agency or applicant seeks information or documentation that it would normally obtain from a professional contractor or consultant, they should expect to pay for the work product. When the line between the two is unclear, the agency or applicant is encouraged to act in a manner that facilitates, rather than impedes, effective tribal participation in the Section 106 process.

A handwritten signature in black ink, appearing to read "John M. Fowler". The signature is fluid and cursive, with the first name "John" being the most prominent.

John M. Fowler

CHAPTER 9 – NEPA Review Requirements

Hold for possible future requirements

CHAPTER 10 – HIGH RISK DESIGNATIONS

The NPS has a policy of “management by exception” meaning that NPS tries to limit direct Federal management of THPO offices and their grants, except for those determined to be “high risk”.

A grant is determined to be high risk if the NPS finds that one of all of the following circumstances apply to the THPO, or one of its subgrantees:

1. has a history of unsatisfactory performance,
2. is not financially stable,
3. has a management system which does not meet the Federal management standards ,
4. has not conformed to terms and conditions of current or previous awards, or
5. is otherwise not responsible.

If the NPS designates a THPO grant as high-risk, additional special conditions may be added to the grant such as:

1. more frequent financial and/or programmatic reporting,
2. requirement to submit additional financial documentation such as receipts, payroll records, etc.,
3. prior-NPS approval of all grant payment requests ,
4. additional professional assistance and/or training,
5. suspension of grant funds until the high-risk issues are resolved.

Once NPS finds that the high-risk issues under a grant have been resolved, the high-risk determination will be removed from the grant and any related special conditions added to the grant will be withdrawn.

A full explanation of the high-risk determination process, the consequences and removal of the high-risk designation can be found in the OMB Circular(s).

CHAPTER 11 - RETURNING FUNDS TO ASAP

Automated Clearing House (ACH) Debit Returns – Method required when returning funds to ASAP within 32 days of payment request.

The **Return ACH Payment feature** allows Payment Requestors (THPOs) to initiate an ACH Debit to their bank account to return an ACH payment made within the **last 32 days** through ASAP.gov. The ACH Debit can be for the full or partial amount of the payment. By initiating an ACH Debit, the Payment Requestor will be requesting the U.S. Treasury Department to initiate an ACH Debit against the bank account to which the original payment was sent.

The Return ACH Payment feature only allows one ACH Debit to be initiated per ACH payment. This feature will not allow a second ACH Debit to be initiated against the same payment.

The ACH Debit must be initiated before 8:00 p.m. ET in order for the debit to settle against the bank account the following business day. If the ACH Debit is initiated after 8:00 p.m. ET, the settlement date of the debit will be two business days from the date initiated.

On settlement day, the ASAP account to which you are returning funds will be credited with the returned amount; however, the funds will not be available to make a new payment request until the second business day following the ACH Debit settlement date. ASAP will hold the funds for two business days to allow the financial institution to return the ASAP Debit to the Treasury Department in the event that the Recipient Organization does not allow debits to their bank account.

To cancel an ACH Debit, the action must be taken before 9:00 p.m. ET on the day the ACH Debit was initiated.

***ACH Debit Returns are free of charge**

Fedwire Return of Payment to ASAP – Method required when returning funds to ASAP more than 32 days after payment request.

Recipients (THPOs) may request their financial institution to return payments to ASAP. The Financial Institution can return the full amount of the payment or a partial amount, but the amount cannot exceed the cumulative authorized amount for that account.

To complete a payment return via Fedwire, the recipient (THPO) must provide their financial institution the ACH Trace Number or the Fedwire IMAD number, the Agency Location Code/Region (ALC), their Recipient ID and ASAP account ID for the payment being returned. To obtain the ACH Trace Number or Fedwire IMAD number of the original payment, use the "Payment Request Status Inquiry" in www.asap.gov.

***There are fees for returning funds using Fedwire. Please ask your bank about the fees.**

Provide the Financial Institution a completed form with the information from the payment filled in the "ASAP Wire Format" section and give the completed information to the wire room of the bank. The bank will process the return and the money will be sent back to the ASAP account.

A sample form is completed below. A blank form follows.

	Field Tag/ Element	Data Element Name	Field Length	Data Element Description
*	{3400} /01	Receiver ABA Number	9	051036803
	{3400} /02	Received Short Name	13	ASAP FRB RICH
	{3600}	Business Function	3	CTR
	{4200} /01	Beneficiary ID Code	1	N
*	{4200} /02	Agency Location Code (ALC)	8	The ALC for the agency that certified the funds
*	{4200} /02	Region Code	2	Region code, if applicable
*	{4200} /03	Recipient Organization's ID	7	Recipient's 7-digit ASAP ID number
*	{4200} /03		1	Space
*	{4200} /03	Account ID	20	The Account ID from which the Recipient drew the payment
	{4200} /04	Beneficiary Name	10	Agency's name or abbreviation (NPS)
	{5000} /01	Originator ID Code	1	D
*	{5000} /02	Account Number	17	Recipient's bank account number
	{5000} /03	Originator's Name	35	Recipient Org's Name
	{5000} /04	Originator's Address- Line 1	35	Recipient Org's Address – line 1
	{5000} /05	Originator's Address-Line 2	35	Recipient Org's Address – line 2
	{5000} /06	Originator's Address-Line 3	35	Recipient Org's Address – line 3

FUNDS TYPECODE 100 AND 1002 FORMAT FOR RETURNING FUNDS TO ASAP

Insert payment data for the return and give this page to the financial institution.

	Field Tag/ Element	Data Element Name	Field Length	Data Element Description
*	{3400} /01	Receiver ABA Number	9	051036803
	{3400} /02	Received Short Name	13	ASAP FRB RICH
	{3600}	Business Function	3	CTR
	{4200} /01	Beneficiary ID Code	1	N
*	{4200} /02	Agency Location Code (ALC)	8	
*	{4200} /02	Region Code	2	
*	{4200} /03	Recipient Organization's ID	7	
*	{4200} /03		1	
*	{4200} /03	Account ID	20	
	{4200} /04	Beneficiary Name	10	National Park Service
	{5000} /01	Originator ID Code	1	D
*	{5000} /02	Account Number	17	
	{5000} /03	Originator's Name	35	
	{5000} /04	Originator's Address- Line 1	35	
	{5000} /05	Originator's Address-Line 2	35	
	{5000} /06	Originator's Address-Line 3	35	

APPENDIX A - HPF Manual Chapter 6: Grant-Assisted Program Activities

A. Purpose.

This Chapter describes program activities eligible for Historic Preservation Fund (HPF) grant assistance to States, organized by "Program Areas," in accordance with the State Historic Preservation Officer's (SHPO) responsibilities specified in Section 101(b)(3) of the National Historic Preservation Act, as amended. The Program Areas are: 1) Administration; 2) Historic Preservation Planning; 3) Survey and Inventory; 4) National Register; 5) Development, Acquisition, and Covenants; 6) Preservation Tax Incentives; 7) Review and Compliance; 8) Local Government Certification; and 9) Other Program Activities. Functional categories of assistance to the National Trust are described in Section R of this Chapter. Chapter 6 should be used in conjunction with Chapter 7 which relates the Program Areas to the annual grant application.

Sections F. through Q., below, describe for each Program Area: overall objectives, minimum requirements, activities eligible for HPF grant assistance, and activities not eligible for HPF grant assistance. These sections are to be read in conjunction with Sections C, D, and E, below. Section C describes general minimum requirements for grant-assisted activity. Section D describes eligible grant-assisted activities. Section E describes activities that are not eligible for HPF grant assistance. In addition, refer to the Secretary of the Interior's "Standards for Archeology and Historic Preservation"; allowable costs (see Chapter 13); matching share requirements (see Chapter 14); amendment requirements and procedures (see Chapter 15), and reporting requirements (see Chapter 25). Refer to the Glossary for definition of terms.

B. Applicability.

An activity is either eligible or not eligible for HPF grant assistance regardless of whether it is conducted by personnel under the supervision of the State Historic Preservation Officer, or delegated by contract, subgrant, or cooperative agreement to other State agencies, local governments, public or private organizations, or individuals.

C. General Requirements for Grant-Assisted Activity.

This section details requirements that must be met by HPF grant-assisted State programs. This section in conjunction with Sections F through Q contains the requirements for each Program Area.

1. Activities Directly Related to the Identification, Evaluation, Registration, Treatment and Protection of Resources.

As a general rule, eligible HPF-assisted State activities must directly relate to the identification, evaluation, or protection of historic and archeological resources. More specifically, eligible activities must help achieve the responsibilities of the State Historic Preservation Officer described in the Act (see Chapter 3) and defined in this Chapter.

2. Cost Principles and Allowable Costs.

Eligible activities must be allowable in accordance with applicable Cost Principles (Chapter 12) and Standards for Allowability of Costs (Chapter 13). Activities that are otherwise eligible must be conducted in accordance with Federal fiscal, program, and project standards stipulated in the Historic Preservation Fund Grants Manual and the grant agreement in order to remain allowable.

3. Qualified Staff.

The State Historic Preservation Office must maintain a staff that meets the pertinent professional qualification requirements described in 36 CFR 61. See Chapter 3, Section B.3.

4. Activities Performed or Reviewed by Qualified Staff.

Identification, evaluation, and treatment activities supported by HPF or matching funds must be conducted, or supervised, or reviewed by an appropriately qualified professional.

"Appropriately qualified professional" refers to the historic preservation professional who meets the Secretary's "Professional Qualification Standards" for the relevant discipline. States may meet this requirement in one of two ways:

- a. those staff members (or subgrantees) conducting or reviewing the work and making final recommendations meet the professional qualification standards, or,
- b. a staff member meeting the professional qualification standards for the appropriate discipline reviews the recommendations of the staff reviewer of record and certifies the recommendation.

When the work affects more than one type of resource, separate reviews by appropriately qualified staff members are required and must be separately documented (e.g., an archeologist must review work involving archeological resources).

Note: Other professionals with preservation expertise not possessed by staff may also be needed to successfully review, evaluate, conduct, or supervise planned work (for example, seismic retrofitting would logically require consulting a structural engineer).

5. Secretary of the Interior's "Standards" Applied.

As a general rule, work supported by HPF or matching share, or reported in the End-of-Year Report must meet the Secretary's "Standards." These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards. See the Appendices.

States must document that grant-assisted work meets the Secretary's "Standards" and other Historic Preservation Fund Grants Manual requirements. Adequate documentation for this requirement is an official written record verifying who on the staff conducted the review, and/or wrote the opinion or recommendation; what the final opinion or recommendation was; and the date of the review, opinion, and/or recommendation. When an opinion pertains to more than one type of resource, and if staff members meeting the professional qualifications in different disciplines review the eligibility of the resource, each review must be documented. When individual reviewer opinions differ, the final decision must be clearly apparent. State offices may include this information in the appropriate project files or maintain a central file or logging

system which references the project file. This documentation may take the form of written notes, use of a pre-printed stamp or review sheet, memoranda to files, or copies of letters.

6. National Register Criteria Applied.

National Register Criteria for Evaluation must be applied consistently. See Section I (National Register Program Area), Section O (Review and Compliance Program Area), and Section N (Preservation Tax Incentives Program Area) for specific details of applicability. See National Register Bulletin 15, "Guidelines for Applying the National Register Criteria for Evaluation." For further guidance in assessing the eligibility of less than 50-year-old properties, see National Register Bulletin 22, "Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Last Fifty Years." See National Register Bulletin 16 for a general discussion of historic contexts, and other Bulletins such as 13, 18, and 32 for information about contexts related to particular property types or National Register Criteria.

a. The Eligibility Review Must Be Adequately Documented. See Section C.5 above.

It must be clear from the file what the State's opinion/recommendation was. States must make one of the following determinations for each resource, in response to Federal agency requests for opinions on National Register Eligibility:

- 1) The property (or properties) meets one or more National Register Criteria for Evaluation; or
- 2) The property (or properties) meets none of the National Register Criteria for Evaluation; or,
- 3) There is not enough information on which to base an opinion on whether or not the property (or properties) meets any of the National Register Criteria for Evaluation.

b. Opinions Must Be Based On Minimum Documentation. States shall ensure that at least the minimum level of documentation listed below is the basis for all responses to Federal agency requests (i.e., opinions that the property is eligible, that it is not eligible, or that there is not sufficient information to determine National Register eligibility). The necessary amount of documentation for an evaluation will vary depending upon the situation. At a minimum, however, each decision must be based on:

- 1) A pictorial or written description sufficient to convey accurately the current appearance and condition of the property, in order to permit an assessment of integrity to be made; and
- 2) A statement of significance or non-significance with sufficient historic context to make an evaluation of National Register eligibility.

If there is not enough information to determine a property's National Register eligibility, the file documentation should explain what is missing that prevents the evaluation of National Register eligibility. State files must include (or cross reference) the information that was the basis for the evaluation.

7. Technical Assistance.

It is a requirement under the Act that each State provide technical assistance. The amount of technical assistance provided and in what Program Area(s) is left up to the State. Each State office should make its best efforts at providing technical assistance to the public given its available resources. See Section D.1., below, for a brief discussion of eligible technical assistance activities.

8. Public Participation.

It is a requirement under the Act that each State involve the public in its preservation program. The amount of public participation involved is left up to the State, as long as NPS program requirements are met (see Sections G and I, below). Each State office should make its best efforts to involve the public in all aspects of its preservation program given its available resources. See Section D.2., below, for a brief discussion of eligible public participation activities.

9. Public Education.

It is a requirement under the Act that each State provide public education. The amount of public education provided and in what Program Area(s) is left up to the State. Each State office should make its best efforts to provide public education given its available resources. See Section D.3., below, for a brief discussion of eligible public education activities.

10. Section 106.

All grant-assisted historic preservation projects must be carried out in accordance with the Programmatic Agreement between the Advisory Council on Historic Preservation and the National Park Service to ensure each State's compliance with Section 106 of the National Historic Preservation Act, and with the applicable Secretary of the Interior's Standards.

D. Eligible Grant-Assisted Activities.

This section describes activities which may be accomplished with HPF grant assistance.

1. Technical Assistance.

Technical assistance is an eligible activity for any Program Area. See Section C.7., above. Technical assistance means the development of skills or the provision of knowledge of the background, meaning, operation, or implications of some aspect of historic preservation. This includes the SHPO staff providing assistance to anyone who is not a part of the SHPO staff; such as, subgrantees, CLGs and other local governments, State or Federal agencies, the public, etc. Issuance of previously prepared material, by itself, does not constitute technical assistance; there must be some significant action added. For example, mailings of brochures, forms, or publications would not count as technical assistance, because they do not ensure that recipients have an understanding of what was sent out. On the other hand, answering an inquiry on how to fill out a survey form or a discussion on mortar analysis would constitute technical assistance. For subgrantees, assistance that strengthens their capacity to plan, implement, evaluate, and manage their subgrants would qualify as technical assistance as long as the assistance is substantive as described above.

2. Public Participation.

Public participation is an eligible activity in any Program Area. See Section C.8., above. Public participation includes, but is not limited to: (1) encouragement of broad participation in the State's implementation of the Act, (2) public participation in the grantee's open project selection process, and (3) organizing and participating in public meetings or workshops on developing the State Plan. (See Chapter 8, Section C, and Chapter 13, Section B.36.)

3. Public Education.

Public education is an eligible activity in any Program Area. See Section C.9., above. Public education includes, but is not limited to: (1) activities to increase overall public awareness of technical preservation methods and techniques having application to historic and archeological properties, (2) dissemination of information to promote working relationships with the public and private sectors to achieve HPF grant objectives, (3) explanation of historic preservation planning and/or the goals of the State Plan to State and local governments and to public or private audiences throughout the State; and (4) dissemination of the results of grant-funded work, including explanation of accomplishments, problems, and issues directly related to grant-assisted activities to the State preservation constituency. In addition, refer to Chapter 13, items B.36, B.37, and B.49 for applicable allowable costs.

4. HABS/HAER Documentation Programs.

See Glossary for definition. See also the documentation standards in the Secretary of Interior's "Standards for Archeology and Historic Preservation," in the Appendices. Grantees may provide HPF assistance for conducting historical research and developing documentation for the HABS/HAER programs in the same manner as any other subgrant awarded in accordance with the grantees' annual grant for Federal Assistance. Grantees may also enter into agreements for HABS/HAER projects, but, as with any subgrant, grantees must ensure that costs charged to the project are eligible for payment. (Some ineligible costs are listed in Section E below.) The model Memorandum of Agreement in Exhibit 6-D may be used as a framework. Article V provides for documentation that will allow the grantee to assess whether claimed costs are eligible for payment. The Memorandum of Agreement does not substitute for the Project Notification or any other requirements involving grant funds to third parties. The asterisked items in Exhibit 6-D must be used in all MOAs. See Exhibit 6-C for Historic Structure and Historic Landscape Report Format. Most often HABS/HAER documentation will occur in the Survey, Development, or National Register Program Areas.

The standards for HABS/HAER documentation appear in the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation." Additional guidelines for documentation can be found in "Guidelines for Inventories of Historic Buildings and Engineering and Industrial Structures," "Photograph Specifications for Contract Photographers," "Field Instructions," Field Instructions for Measured Drawings," and the "Historian's Procedural Manual," all available from the HABS/HAER Division in Washington, D.C.

5. Joint Projects with Other States.

Joint projects with other States are eligible for grant assistance if they meet all of the requirements for grants in the Historic Preservation Fund Grants Manual.

6. Nonconstruction Grant Assistance to Churches and Church-owned Property.
Non-monetary, technical, or nonconstruction assistance to a church that is carried out in the same manner as it would be for a secular property is allowable. See Ineligible Construction Costs on Churches and Church-owned property in Section E.3., below.
7. Certified Local Governments.
See Glossary for definition. Technical and financial assistance to Certified Local Governments (CLGs) to carry out historic preservation activities is an eligible activity in most program areas. The Certified Local Government Program Area is limited to the certification of local governments and CLG quality control; activities performed with CLG subgrants will usually appear in the applicable Program Area (e.g., Survey and Inventory).
8. Development, Selection, Monitoring, and Administration of Subgrants.
The development, selection, monitoring, and administration of subgrants are eligible activities in most program areas.
9. Collection and Tracking of Data.
The collection and tracking of data is an eligible activity in any program area.
10. Feasibility and Other Property-Specific Studies or Reports.
Feasibility studies and other property-specific reports may be funded only if the property is listed in the National Register, or considered eligible for listing in the National Register. The study or report project must include a significant element that fosters the identification, evaluation, or treatment of National Register properties.

E. Ineligible Grant-Assisted Activities.

This section describes activities which are ineligible for HPF grant assistance.

1. Federal Agency Responsibilities.
Neither HPF nor matching share shall be used, either through contract, subcontract, or State staff effort, to undertake planning related activities of Federal agencies or their designees, or activities associated with mitigation responsibilities of Federal, State, or local agencies which are the responsibility by law under Section 110(a) of the Act of the Federal agency. See Chapter 13, Section D.14. and D.28.
2. Mitigation Activities.
Mitigation activities performed as a condition or precondition for obtaining a Federal permit, license, or funding by other Federal programs are not eligible activities. See Chapter 13, Section D.28.
3. Unallowable Grant Assistance to Churches and Church-owned Property.
Because of the Justice Department's policy concerning the Constitutional issue of separation of Church and State, construction repair costs, or real property acquisition costs are not allowable costs or matching share for HPF grants. Predevelopment costs such as architectural plans and specifications or condition assessments are allowable.

4. Fulfillment of Covenant Requirements.

Grant funds may not be used for fulfillment of the covenant requirements (maintenance and public access). Responsibility for enforcement of a covenant lies with the grantee as a requirement and condition of having received HPF grant assistance. After completion of the project work and closeout of the grant, the only continuing relationship connected to the grant is the responsibility of covenant enforcement. See Section M, below, for more information on covenants and preservation agreements.

5. Unallowable Costs.

Activities whose costs are cited as unallowable in Chapters 12 and 13 are ineligible, as are those requiring prior NPS approval if that approval is not secured. See Chapter 13.

6. Reimbursement of Services by Federal Agencies.

Section 110(g) of the Act authorizes Federal agencies to reimburse SHPOs for their services. If a Federal agency and a SHPO agree that the SHPO will undertake preservation activity on the agency's behalf, such services must be paid for using funds provided by the agency and not HPF funds or allowable matching share. Federal mitigation money cannot be used to match other Federal money (e.g., HPF funds), but the results may be reported in the Cumulative Products Table. (See Chapter 7, Exhibit 7-E.)

Note: If a contractual arrangement is made between the State and a Federal agency, care must be taken to ensure that no conflict of interest arises (either as an individual or as part of the office) between the persons actually performing the work and the person, persons, or office reviewing and approving it.

7. HABS/HAER Projects.

Costs incurred by Federal officials supervising or otherwise administering an eligible HABS/HAER project (see Section D.4, above) are not allowable for HPF grant assistance. However, salaries and expenses incurred by Federal employees who are considered to be "temporary limited employees" are allowable. See also Chapter 13, Section D.18.

8. Interpretation.

The cost associated with developing or carrying out an interpretive program for a grant-assisted historic property is not an allowable Development cost (but see Public Education, Section D.3, above). This restriction does not include Project Signs, which are required. (See subsection K.2.b.(3), below, and Chapter 13, Section D.24.)

The HPF grant program will not pay for on-going Public Education efforts such as the operation of a house museum. Thus, HPF funds could be used for a development project to rehabilitate a house museum, or for a grant to prepare a videotape to educate the public on the historical or architectural significance of the house museum, but may not be used to pay the utility costs of, or staff costs for, operating the house museum.

9. Curation Beyond Project End Date.

Costs of curation after the end date of the HPF grant which funded the survey work that discovered the artifacts is not an allowable HPF grant cost. See Chapter 13, Section D.11.

10. Property-Specific Studies and Reports.

Feasibility studies or other property-specific studies or reports are not eligible for HPF or matching share funding unless the property is National Register listed, National Register eligible (and the requirements of Section K.2.a. are met), or the study or report project includes a significant element fostering the identification, evaluation, or treatment of National Register eligible properties elsewhere.

F. Administration Program Area.

1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Administration Program Area.

The Administration Program Area contains activities pertinent to budget formulation and execution, personnel management, finance, property management, equal opportunity, and other "overhead" functions not directly attributable to the Program Areas described below. Administration costs charged to the HPF grant or nonfederal matching share must be directly related to managing the HPF activities of the SHPO. See Chapter 13 for allowable costs.

2. Requirements. See the General Requirements for Grant-Assisted Activities in Section C, above.
3. Eligible Activities. In addition to the activities discussed in Section D, above, eligible activities for the Administration Program Area include:
 - a. Preparation of personnel payroll,
 - b. Audits,
 - c. Collection, storage, and retrieval of management information when such activities are not part of a specific project, but are a means of central administrative control,
 - d. Administrative and support services (parallel to those listed above) not directly related to the functioning of the State Review Board, and
 - e. Other eligible services or activities that are required by Federal or State law or regulation which are pertinent to central direction, monitoring, reporting, and management support of the Program Area activities described in this Chapter.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following limitations apply to the Administration Program Area:

In accordance with Section 102(e) of the Act, HPF funding in this Program Area may not exceed 25% of the annual award. See Chapter 13, Section B.3, for further explanation of this limitation.

G. Historic Preservation Planning Program Area.

1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Historic Preservation Planning Program Area and specifically the

Comprehensive Statewide Historic Preservation Plan required by Section 101(b)(3)(c) of the Act.

Comprehensive Statewide Historic Preservation Planning (hereafter Preservation Planning) is the rational, systematic process by which the State Historic Preservation Office develops a vision and goals for historic preservation throughout the State. The SHPO seeks to achieve that vision through its own actions and through influencing the actions of others. The vision and goals are based on analyses of resource data and user needs.

The SHPO's statutory planning responsibility entails the organization of preservation activities (identification, evaluation, registration, and treatment of historic properties) into a logical interrelated sequence so that effective and efficient decisions and/or recommendations can be made concerning preservation in the State. The Secretary of the Interior's "Standards for Archeology and Historic Preservation," which include the "Standards for Preservation Planning," (see the Appendices) provide additional explanation on how SHPO responsibilities for Historic Preservation Planning can, in part, be carried out.

In contrast to the Statewide Historic Preservation Planning activities discussed in this section, SHPO office administrative or management planning is carried out under the Administration Program Area.

2. Requirements. In addition to the General Requirements for Grant-Assisted Activity discussed in Section C, above, the following requirements apply to the Historic Preservation Planning Program Area:
 - a. Each SHPO shall develop a Comprehensive Statewide Historic Preservation Planning Process that: (1) meets the circumstances of each State; (2) achieves broad-based public and professional involvement throughout the State; (3) takes into consideration issues affecting the broad spectrum of historic and cultural resources within the State; (4) is based on the analyses of resource data and user needs; (5) encourages the consideration of historic preservation concerns within broader planning environments at the Federal, State, and local levels; and (6) is implemented by SHPO operations.
 - b. Each SHPO shall develop and update (as necessary) a written Comprehensive Statewide Historic Preservation Plan (hereafter State Plan) which describes a vision for historic preservation in the State as a whole and outlines future direction for the State Historic Preservation Office.

The State Plan is used by the State Historic Preservation Office and others throughout the State for guiding effective decision-making on a general level, for coordinating Statewide preservation activities, and for communicating Statewide preservation policy, goals, and values to the preservation constituency, decision-makers, and interested and affected parties across the State. As such, the State Plan is not an office management plan for the SHPO office. The State Plan provides direction and guidance for general-level decision-making, rather than serving as a detailed blueprint for making place-specific or resource-specific decisions. This level of detail is typically found in other documents, such as historic context documents, research designs, survey reports, etc.

- 1) The State Plan shall be a single, concise, printed document. The State Plan may be a component of a larger plan. The length or format of the State Plan is not prescribed. (Note: A "concise" State Plan contains the appropriate level of detail to communicate the major findings and conclusions, but not the raw data or technical analyses that led to those conclusions.) If the State is experiencing financial limitations such that hard copy printing is not feasible, "printing" the State Plan only on the SHPO's web site is acceptable provided that the following conditions are also met:
 - a) The Plan's availability on the web must be announced and/or advertised widely and provisions made for those without web access to request and receive hard copies of the Plan. This announcement or advertisement should include the web URL for the Plan and contact information for requesting a hard copy. Examples of an announcement might include an advertising card, conspicuous notice in the SHPO's newsletter, brochure with Plan highlights, or poster with Plan highlights.
 - b) It must be easy for the web visitor to find the Plan on the web site, to navigate through it (e.g., no large image files), and to download and print it.
 - c) It must be easy for those without web access (as well as the web visitor) to request and receive a hard copy of the State Plan.
- 2) The State Plan shall be developed in such a way as to encourage Statewide public and professional involvement, and be distributed to a wide range of public, private, and professional organizations and groups throughout the State, as well as to other potential users.

To be effective and achievable, the State Plan must be developed, implemented, and revised with the active involvement of a wide range of public, private, and professional organizations. It is not sufficient to consult only with preservation professionals and Statewide or local preservation organizations. The State must consult as widely and broadly as necessary to meet this requirement and to encourage broad-based acceptance or familiarity of the State Plan throughout the State, particularly by those groups, constituents, and organizations that have the greatest potential to affect historic and cultural resources.

A specific list of public and professional groups or organizations is not prescribed; whatever meets this standard and the circumstances of each State's planning environment, as determined by the State, meets the requirements. However, not requiring the involvement of specific public groups does not relieve the SHPO from complying with other Federal and State regulations or requirements for public participation.

States are encouraged to consider the following groups, but this is not a requirement: preservation professionals and others who have interest or expertise in historic preservation; Federal, State, and local government planners who may be the primary users of the State Plan; elected officials and others whose decisions affect or have the potential to affect historic resources; individuals and groups who may be affected by the planning process and Plan; American Indians, Alaska Natives, and/or Native

Hawaiians; Certified Local Governments; minority groups and the disabled; and, others, such as those who play key roles in shaping public opinion.

- 3) The State Plan shall address, at a general level, the full range of historic resources within the State, including buildings, structures, objects, districts, and sites, including prehistoric archeology and historical archeology.

Data on historic resources that are used to develop and revise the State Plan are derived from a variety of sources. Specific data sources are not prescribed. At a minimum, however, the SHPO must use historic resource data and information that have been identified and assessed in accordance with the Secretary of the Interior's "Standards for Preservation Planning" in developing and revising the State Plan. The SHPO will determine the balance between different data sources most useful to the unique planning environment in which it must operate.

The SHPO must continue developing and/or updating historic resource data and information to provide up-to-date information for use during plan development, implementation, and revision.

A State may have any number of supporting resource-specific plans, such as separate plans for archeology, for historic buildings, for anthropology and ethnographic resources, and for maritime resources. Nonetheless, the State Plan must be a single document that addresses all historic resources in the State. It is not required; however, that the State Plan address every individual historic property type within the State. SHPOs have the discretion to determine what specific property types (if any, and whether that level of detail is desired) will be addressed in the State Plan based on the needs and circumstances in each State.

- 4) The State Plan shall contain, at a minimum, the following elements or sections:
 - a) a summary of how the State Plan was developed, including a brief description of how the public participated;
 - b) a summary assessment of the full range of historic and cultural resources throughout the State; including current important issues facing historic preservation, threats and opportunities, and the current state of knowledge about historic and cultural resources or classes of historic resources throughout the State;
 - c) guidance for the management of historic and cultural resources throughout the State, such as is typically expressed in policies, strategies, goals, and objectives, that provide a vision for the State as a whole, and a direction for the SHPO office;
 - d) the time frame of the State Plan (or "planning cycle"), including when the State Plan is next scheduled for revision or review; and,
 - e) a bibliography of special studies and other support documents used in preparing the State Plan.

- 5) A SHPO that is required by State law or gubernatorial directive to produce a statewide historic preservation plan covering the responsibilities of the office will not be required to produce another, separate plan specifically for NPS approval, provided that the minimum requirements for this program area are met. The SHPO is encouraged to incorporate, to the extent possible, the minimum requirements for this program area into the plan prepared under State requirements. The SHPO must submit this State-required plan for approval in accordance with Section G.2.c., below. If State planning requirements omit one or more requirements of this section, the SHPO is still expected to meet the minimum requirements of this section. In this case, the SHPO must contact NPS to discuss alternative approaches for ensuring these requirements are met.

c. NPS Approval of the State Plan.

- 1) A completed final draft State Plan must be submitted to NPS for approval.
- 2) The SHPO will mail the final draft State Plan, to NPS, accompanied by a transmittal letter signed by the State Historic Preservation Officer, or his/her written designee, requesting approval in conformance with the requirements of this section.
- 3) The final draft State Plan will be reviewed for conformance with this section, with the Act, and with the Secretary of the Interior's "Standards for Archeology and Historic Preservation."
- 4) No later than 45 calendar days after the receipt of the final draft State Plan, NPS must provide a written response to the SHPO. The response may be an approval, an identification of the requirement(s) not met, or a denial of approval. A denial of approval may only be issued after NPS has made good-faith efforts to identify the requirement(s) not met and to discuss differences with the SHPO without a satisfactory conclusion. If the response identifies requirements that have not been met, the SHPO must address it (them) and resubmit a revised final draft State Plan for approval (unless an appeal process is under way), initiating a separate 45-day review period.
- 5) If the SHPO does not receive a written response from NPS within 60 days, the SHPO and NPS will consider the State Plan approved.
- 6) In addition to the requirements above, after the approved State Plan has been produced in final, SHPOs must send two (2) copies of the Plan to NPS. When the State Plan is "printed" only on the SHPO's web site, this requirement can be satisfied by providing two copies of the Plan announcement(s) or advertisement(s) and the web URL. The NPS Planning Program web site will link to the SHPO web page concerning the State Plan.

d. NPS approval of the revision of an approved State Plan.

- 1) When the State Plan approved under these requirements is revised at the conclusion of its planning cycle, NPS views this revised State Plan as a new document that must meet

the requirements of this section and be approved by NPS according to the procedure outlined in this section.

- 2) An approved revised State Plan must be in place at the expiration of the original Plan's planning cycle, or at a minimum, prior to the SHPO's submission of the HPF Annual Grant application for the next fiscal year following the expiration of the planning cycle. The Annual Grant application must cross-reference an approved State Plan. See Chapter 7, Section C.1.k., on the annual application narrative, and Chapter 25, Section D.1.b., on the Project/Activity Database.
 - 3) If a State Plan's planning cycle ends without an approved revised State Plan, the consequences will be the same as if the revised State Plan was denied approval.
- e. Appeals. SHPOs may appeal any decision of NPS regarding approval or denial of approval of State Plans directly to the Director, National Park Service. Appeals must be in writing and signed by the State Historic Preservation Officer or his/her written designee. NPS will act on all complete appeal requests within 30 calendar days of receipt, and will respond in writing.
- f. Implementing the Approved State Plan. Each SHPO shall ensure that, in general, HPF expenditures and matching share are used to implement the State Plan. One of the major purposes of the State Plan is to guide decision-making about HPF expenditures. In general, there must be a significant and demonstrable correlation between State Plan goals, objectives, and tasks and SHPO expenditures of HPF funds, as reflected in the documents of the SHPO's Annual Grant cycle (see Chapter 7). There is no fixed ratio between HPF-funded activities undertaken to achieve goals in the State Plan and other related SHPO activities. SHPO operations (specifically those funded by the HPF or used as allowable matching share) should, when viewed in the aggregate, move towards achieving the goals and objectives of the State Plan.

There need not be a complete one-to-one correlation between every activity or project undertaken with HPF assistance and the State Plan. Many activities may be exclusively State-funded, and emergency and unanticipated situations will always arise. The SHPO has the latitude to handle these situations, even if they are not a key element of the State Plan. If unforeseen circumstances result in a low correlation between State Plan goals and objectives and SHPO expenditures of HPF funds (as reflected in the documents of the SHPO's Annual Grant cycle) over a prolonged period of time (generally more than one year), the SHPO will be expected to take action to resolve this discrepancy. NPS is willing to work with the State to identify strategies to resolve the problem.

3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities in the Historic Preservation Planning Program Area include:
 - a. Planning Process Design and State and Local Plans. Developing, conducting research on, designing or carrying out a planning process, or providing support for the development of a planning process design, the State Plan, or other historic preservation or cultural resource management plans at a regional or local level.

- b. Planning Studies, Historic Contexts, etc. Developing, gathering, and analyzing data used to develop planning studies, including historic contexts, theme studies, issues analyses, questionnaires, forecasts of social, economic, political, legal, environmental, and other factors that may affect historic preservation in the State.
- c. Ordinances, Regulations, Standards, etc. Developing, or providing support for the development of, ordinances, regulations, standards, and guidelines that support State, regional, or local plan goals.
- d. Advanced Planning Technologies. Developing, purchasing, adapting, or implementing advanced planning/computer technologies and applications to further comprehensive statewide historic preservation planning program goals [e.g., computer mapping and analysis technology such as Geographic Information Systems (GIS)].
- e. Printing of Plans. Printing and distributing plans, planning studies, ordinances, regulations, guidelines, or similar documents.
- f. Reviews. Reviewing or commenting on State, local, Federal, or private-sector historic preservation plans or historic preservation components of plans for compatibility with the State Plan or with State law. See Chapter 7, Exhibit 7-E for how to report reviews of plans made pursuant to Review and Compliance activities. See Section O.3, below, on eligible Review and Compliance activities.
- g. Compliance with State or Local Planning Laws. Activities undertaken pursuant to State or local planning laws, regulations, or ordinances, provided that the laws, regulations, and ordinances are not inconsistent with the Secretary's "Standards for Archeology and Historic Preservation." For instance, activities are eligible when undertaken in conformance with a State planning law that requires State Office review of local comprehensive plans for protection of historic resources.
- 4. Ineligible Activities. See the Ineligible Grant-Assisted Activities listed in Section E, above.

H. Survey and Inventory Program Area.

- 1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Survey and Inventory Program Area. Survey is activity directly pertinent to the location, identification, and evaluation of historic and archeological resources. Inventory activity relates to the maintenance and use of previously gathered information on the absence, presence, and (c) of historic and archaeological resources within the State.
- 2. Requirements. In addition to the General Requirements for Grant-Assisted Activities discussed in Section C, above, the following requirements apply to the Survey and Inventory Program Area.
 - a. All surveys funded by HPF grant monies or used as allowable matching share must meet the Secretary of the Interior's "Standards for Identification," that is:
 - 1) Be undertaken to the degree necessary to make decisions (Standard I).

- 2) Be conducted according to research designs, which specify the objectives, methods, and expected results of the survey (Standard II).
 - 3) Produce final survey reports, which summarize the design and methods of the survey, provide a basis for others to review the results, and state where information on identified properties is located (Standard III).
- b. HPF assisted surveys, or any survey whose costs are contributed as nonfederal matching share, must be designed to lead to nominations of significant properties to the National Register (or to a determination of eligibility if the owner objects).
 - c. Assisted activity must produce data to the State Historic Preservation Office that can be readily integrated into the State's Comprehensive Statewide Historic Planning Process.
 - d. States must maintain an inventory of properties surveyed including survey reports, inventory forms, and research designs.
 - e. State inventory activities funded by HPF grant monies or used as allowable matching share must meet the Secretary of the Interior's "Standards for Evaluation." Each State must be able to document that these inventoried properties are:
 - 1) Evaluated against established criteria, which, for the purpose of the National Register Programs, means the National Register criteria (Standard I).
 - 2) Evaluated within an appropriate historic context (Standard II).
 - 3) Accompanied by sufficient information on which to base decisions about subsequent preservation actions (Standard III).
 - 4) Recorded in a manner that is accessible to the public (Standard IV).
 - f. Additional Reports and other Documentation for Archaeological Resources.
 - 1) Appropriate site inventory forms, maps, sketches, profiles, and field notes must be completed to record information about the archeological site(s) being investigated and the methods and techniques being employed.
 - 2) Copies of the site inventory forms must be provided to (and maintained by) the SHPO.
 - 3) A written report (of all results of the investigation) that meets contemporary professional standards, the Secretary's Standards for Identification, and the requirements of Chapter 25 must be prepared, and copies provided to (and maintained by) the SHPO and made available to other potential users, subject to Section 304 of the Act.
 - 4) For any subsequent phase involving development work on the site, the grantee will briefly summarize in the subsequent subgrant file (and Project Notification, if

applicable) pertinent archeological information developed as a result of the investigation or testing of the site.

g. Curation.

- 1) Archeological collections and accompanying data and records must be curated in a repository meeting contemporary professional standards, the Secretary's "Standards for Archeology and Historic Preservation," and 36 CFR 79 except when other disposition is required by 43 CFR 10, the regulations for the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001). However, the costs of ongoing curation are not allowable for HPF grant assistance (see Chapter 13, item D.11.)
- 2) When archeological collections are to be removed from State, county, municipal, or private property, negotiated arrangements must be made for permanent curation of the collection, or for disposition in accordance with the requirements of the Native American Graves Protection and Repatriation Act (36 CFR 79 and 43 CFR 10). Such arrangements are to be negotiated among the property owner, the SHPO, and the principal investigator prior to reimbursement by the grantee.

h. Access. Archeological collections and accompanying data and records resulting from grant-assisted work must be made available for scholarly research by qualified professionals for use in research, interpretation, preservation, and resource management needs. If appropriate, collections should be made available to the public through museum display or other means (see Chapter 13, items B.18 and D.29). This access requirement is subject to the provisions of the Native American Graves Protection and Repatriation Act (see 43 CFR 10), Section 304 of the National Historic Preservation Act, and 36 CFR 79.

3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities in the Survey and Inventory Program Area include:

- a. Intensive Level Survey. Intensive level survey is the systematic, detailed field (and archival) inspection of an area designed to identify fully architectural, archeological, and historic properties; and calculated to produce a level of documentation sufficient, without any further data, to evaluate National Register eligibility.
- b. Reconnaissance Level Survey. Reconnaissance survey entails archival research and a field visit to determine the identity and location of resources present in an area. Such surveys should be designed so that a determination can be made from the results as to when it is worthwhile to obtain the additional level of documentation (through an Intensive Level Survey) necessary for a National Register nomination.
- c. Limited Archeological Testing. During Reconnaissance or Intensive level survey, limited subsurface archeological testing is allowable only to the extent that is needed to collect sufficient information to identify a resource and to assess its eligibility for listing in the National Register of Historic Places.
- d. Resurvey. Resurvey is eligible if its purpose is:

- 1) to modify previously documented boundaries;
 - 2) to identify resources not a part of the property's earlier eligibility determination (e.g., archeological survey in a historic district); or
 - 3) to establish a property's relationship with other resources as part of the development or refinement of historic contexts. See Section G (Planning), above, and the Secretary of the Interior's "Standards for Archeology and Historic Preservation;" or
 - 4) resurveying in the field to upgrade existing inventory data for use in revising the comprehensive statewide historic preservation plan.
- e. Automating the State Inventory. Automating the State historic resources inventory to conduct analyses of inventory data for planning purposes or to make it more accessible to the broader planning arena in the State is an eligible activity.
- f. Advanced Survey and Inventory Technologies. Developing, purchasing, adapting, or implementing advanced planning/computer technologies and applications to further comprehensive statewide historic preservation planning and other program goals [e.g., computer mapping and analysis technology such as Geographic Information Systems (GIS)] are all eligible activities.
- g. Archeological Survey Activity on Development Projects. Eligible archeological survey activity may be associated with or be a prerequisite for a development project in the following circumstances (see Section K.2., below):
- 1) If it is necessary in a development project to determine the presence and nature of subsurface features of an above-ground structure or site listed in the National Register, archeological survey using non-destructive remote-sensing techniques or limited archeological testing may be conducted.
 - 2) If the proposed treatment of a non-archeological property will disturb the earth, and if nothing is known about the presence or nature of any archeological resources, a survey is required to identify and locate any archeological resources and to collect information sufficient to evaluate National Register eligibility prior to finalizing the plans for treatment of the property.
 - 3) If the preservation treatment is site stabilization or another preservation technique requiring accurate and up-to-date resource data, a resurvey of the site may be needed to confirm site boundaries, location, and condition prior to finalizing plans and specifications for the treatment project.
- h. Processing Survey Data. Activity directly associated with processing survey data from all (including non-HPF assisted) sources for inclusion in the State inventory is an eligible activity. This includes properties surveyed at a minimum level of documentation and properties surveyed at a National Register level of documentation.

- i. Survey on Federal Land. Survey on Federal land may be paid for with HPF or matching funds only under the following conditions:
 - 1) The survey is not a mitigation activity performed as a condition or precondition for obtaining a Federal permit or license or funding by other Federal programs.
 - 2) Prior written permission must first be obtained from the Federal agency land manager(s)/or his/her designee. Obtaining a permit under the Archaeological Resources Protection Act constitutes proper written permission as long as the requirements of the Historic Preservation Fund Grants Manual are met.
 - 3) For HPF subgrants, Project Notifications must contain a certification signed by the State Historic Preservation Officer that the requisite permission has been obtained, or include a copy of the certification of permission. For State in-house survey projects or for projects covered by Reduced Review Status (see Chapter 8, Section G), a copy of the signed written permission must be made available in the State office for inspection upon request.
 - 4) The Federal land manager(s) must be sent a copy of the survey report/Final Project Report.
 - 5) The SHPO must consult with the Federal land manager(s) on release of locational information related to resources vulnerable to damage or destruction should its location be released pursuant to Section 304 of the National Historic Preservation Act, as amended, prior to the release of the survey report/Final Project Report.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following are ineligible activities in the Survey and Inventory Program Area:
 - a. More extensive survey, testing, and data recovery than what is necessary to determine National Register eligibility. However, it may be eligible under other program areas; see Section K.3., Development/Acquisition/Covenants, below.
 - b. Resurvey that does not meet criteria in Section H.3.d., above.
 - c. Archeological survey that does not meet criteria in Section H.3., above.
 - d. Survey on Federal Lands that does not meet criteria in Section H.3.i., above.
- I. National Register Program Area.
 1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the National Register Program Area. This Program Area is involved with activity directly pertinent to the documentation and evaluation of a historic or archeological resource for its potential eligibility for listing in the National Register of Historic Places.
 2. Requirements. In addition to the General Requirements for Grant-Assisted Activity discussed in Section C, above, the following requirements apply to the National Register Program Area:

- a. All activities in the Program Area must meet the Secretary's Standards for Evaluation and Registration.
 - b. Annually, the State must nominate eligible resources to the National Register of Historic Places.
 - c. A reasonable percentage of nominations must be derived from State-conducted surveys.
 - d. Nominated properties must meet the National Register Criteria for Evaluation, and must be documented according to National Register standards: (1) for substantive documentation and analysis in the description of properties and in the justification of the properties' (c) and (2) technical documentation. A State must demonstrate a comprehensiveness of resources in its nomination of properties.
 - e. The State's nomination procedures must comply with the requirements of the National Historic Preservation Act and with National Register regulations (36 CFR 60). See the Appendices and the National Register Bulletins series for the 36 CFR 60 requirements that apply to this Program Area.
 - f. Each State must assist the public and private sector in nominating historic properties to the National Register of Historic Places. States must document that HPF-funded projects and products used as nonfederal matching share (survey, nominations, Tax Act Applications, etc.) must be conducted, prepared, reviewed, or verified by persons from the appropriate disciplines who meet the requirements for the "Secretary of the Interior's Historic Preservation Qualifications."
3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities in the National Register Program Area include, but are not limited to:
- a. Preparation and Editing of National Register Nominations.
 - b. Processing Data for National Register Eligibility. Any activity described in 36 CFR 60 related to processing of resource data for National Register eligibility. This includes Review Board activities related to evaluation of properties. This does not include Federal National Register eligibility opinions which are eligible Review and Compliance activities. See Section O.3, below.
 - c. Public Notice. Any activity related to public understanding of and participation in the nomination process.
 - d. NHL designation. Participation in the process for the nomination and designation of a property as a National Historic Landmark is an eligible activity.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following is an ineligible activity in the National Register Program Area:

Federal National Register eligibility opinions rendered pursuant to Section 106 of the Act are eligible in the Review and Compliance Program Area, not the National Register Program Area. See Section O, below.

J. Development/Acquisition/Covenants Program Area.

1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Development, Acquisition, and Covenants Program Area. Additional information related specifically to Development, Acquisition and Covenants is discussed in Sections K, L, and M, respectively.

The Development/Acquisition/Covenants Program Area describes State activities that assist the material conservation, protection, and preservation (both physical and legal) of properties listed in the National Register of Historic Places. They include activities to acquire, preserve, stabilize, rehabilitate, restore, and reconstruct historic resources. This program area also includes "nonconstruction" activities such as technical assistance and monitoring of existing covenants relating to Development or Acquisition.

2. General Requirements. In addition to the General Requirements for Grant-Assisted Activities in Section C, the following requirements apply generally to the Development/Acquisition/Covenants Program Area. See Sections K.2, L.2., and M.2. for specific requirements for Development, Acquisition, and Covenant activities.
 - a. National Register Listing. The property for which the Development project is proposed must be listed in the National Register of Historic Places either individually or identified in the nomination as contributing to a listing in the National Register. If the property is not so identified in the National Register nomination, it must be certified by the State Historic Preservation Officer to be contributing to a National Register listing. When the State Historic Preservation Officer certifies on the Project Notification (or in its files for States with Reduced Review Status) that a property is contributing, the Project Notification (and the State's files) must contain sufficient information to allow NPS to understand the property's significance and how it was evaluated. Note that adding properties as contributing to existing National Register listings requires consultation with the State Review Board and must result in a supplemental listing form being transmitted to the Keeper of the National Register (see 36 CFR 60). Also see Section C.6., above.
 - b. Integrity of the Resource. Only National Register-listed properties that have retained sufficient integrity to maintain their National Register eligibility are eligible for grant-assisted development or Acquisition projects.
 - c. Restrictions on Moving Historic Structures. If a structure is not listed in the National Register at the time of relocation, HPF assistance may not be used to finance the cost of moving the property. In addition, if the property is removed from the National Register as the result of an unapproved relocation of the structure, the cost of the move would not be an eligible cost for HPF grant assistance.

Historic structures selected for HPF assistance should not be relocated. If a structure listed in the National Register must be moved, the State must provide NPS with advance written

notification of the property owner's intention to move the building or structure and must request prior written approval from the National Register to confirm that the property will not be removed from the National Register as a result of the relocation. The State must send the Keeper of the National Register all information relating to how the move will affect the property's integrity and significance. Criteria for moving historic structures and procedures required by NPS are specified in 36 CFR 60.

3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, the following are Eligible Activities for Development/Acquisition/Covenants (see also Sections K.3., L.3., and M.3. respectively for activities eligible specifically for Development, Acquisition, or Covenants):
 - a. Furnishings. The cost of historically documented original furnishings is allowable if in accordance with Chapter 13, item B.19.
 - b. Landscaping. The restoration, rehabilitation, stabilization, preservation, or protection of a documented historic landscape listed in the National Register, either individually or as a contributing element to a National Register property is an eligible grant activity. Additionally, the use of revegetation as a stabilization technique is an eligible activity.
 - c. State (as opposed to Federal) Grant Programs. A State may use HPF or matching funds to administer acquisition or development grant programs funded with non-HPF monies (such as State-appropriated funds) as long as the programs require compliance with the Secretary's Standards.
 - d. Archeological Site Protection and Stabilization. The protection and stabilization of an archeological site listed in the National Register, either individually or as a contributing element to a National Register property, is an eligible grant activity.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following are ineligible activities for Development and Acquisition. See also Sections K.4., L.4., and M.4. for specific ineligible Development, Acquisition, and Covenant activities.
 - a. A property that has not been individually listed on the National Register of Historic Places, or is not identified by the SHPO as contributing to the significance of a National Register District or property, is not eligible for a development or acquisition grant. The National Register status of the property must be documented in the State's subgrant selection files prior to awarding HPF assistance.
 - b. A National Register property that has lost its integrity (sufficient to lose its National Register eligibility) is not eligible to receive development or acquisition grants--regardless of whether or not it has been delisted from the National Register.
 - c. A property that has received a Determination of Eligibility (D.O.E.) by the Keeper of the National Register, but is not formally listed in the National Register, is not eligible for HPF grant assistance to acquire or to repair the property.

- d. A property listed only in a locally certified historic district is not eligible for HPF development or acquisition grant assistance.

K. Development.

1. General. Buildings, structures, sites, and objects listed in the National Register of Historic Places deteriorate over time; therefore, these properties require periodic work to preserve and protect their historic significance and integrity. The Secretary of the Interior's "Standards for the Treatment of Historic Properties" (see Appendices) define appropriate treatments for historic properties.
2. Requirements. In addition to the General Requirements for Grant-Assisted Activity discussed in Section C and general Development/Acquisition/Covenants Requirements in Section J.2., above, the following requirements apply to Development:
 - a. Predevelopment. In order to properly determine the appropriate treatment(s) to preserve a particular property, predevelopment preparation is required. Predevelopment is the historical, architectural, and/or archeological research necessary to properly and adequately document the historic significance and the existing physical condition of the materials and features of a property or site; it must be performed prior to the commencement of development work.
 - 1) Assess all Resources Present. Decisions to proceed with any proposed work are based on an analysis of the significance and integrity of all the resources present in an area, including architecture, historic landscape, and archeology. These decisions should not be based on information about only one type of resource.
 - 2) Consideration of Archeological Resources. All archeological work must conform to the Secretary's "Standards for Archeological Documentation," including the preparation of a research design and a documentation report on the results of the work.
 - a) If the preservation treatment is archeological stabilization, a resurvey of the site may be needed to confirm site boundaries, location, and condition prior to finalizing plans and specifications for the treatment project.
 - b) If the proposed treatment will disturb the earth, and if very little or nothing is known about the presence, absence, or significance of any archeological resources, a survey is required to identify and locate any archeological resources and to collect information sufficient to evaluate National Register eligibility prior to finalizing the development proposal.
 - c) If the proposed treatment depends upon information that can only be gained through archeological investigation on the property, the area may be tested, but only to the extent required to collect the information needed for this project. The research design must clearly justify the need for this information and why it must be obtained from this site.

- 3) Reports of Predevelopment Studies Must be Prepared. Historic Structure Reports, Engineering Reports, Landscape Studies, Archeological Documentation Reports, and other required documentation must present an assessment of potential impacts on the proposed work on the resources and must clearly illustrate how the work will be carried out in conformance with the Secretary's "Treatment Standards," with the "Archeological Documentation Standards" if applicable, and with other accepted professional standards or technical guidance for resource preservation, when relevant.

These reports must define the project so that all aspects of the proposed grant-assisted work can be understood by objective reviewers familiar with the applicable Secretary of the Interior's "Standards for the Treatment of Historic Properties." The scale and complexity of the proposed work will determine the amount of research required to carry out work in a manner consistent with the Secretary's "Standards." Such predevelopment reports are not a substitute for detailed working plans and specifications. (See also Chapter 13, Section C.8. if preagreement costs are involved).

- 4) Working Drawings/Architectural or Archeological Plans and Specifications Must be Prepared. These required documents must detail the exact scope of development work to be carried out, and must be accurately drawn to scale so that measurements can be verified at the project site. Plans and specifications must define the project so that all aspects of work can be understood by objective reviewers familiar with the applicable Secretary of the Interior's "Standards for the Treatment of Historic Properties." The plans and specifications must demonstrate conformity with those "Standards" and specify the treatment proposed. If the treatment is the stabilization of an archeological site, the particular technique selected must be one that protects the site and its contents from further damage. Archeological stabilization plans and specifications must be prepared and/or reviewed by professionals who have technical expertise in such work.

b. Development.

- 1) Consideration of Archeological Resources. If treatment plans require the disturbance of the earth, and it is not feasible to avoid and protect significant archeological resources, the archeological resources will be excavated and the data recovered. These excavations will be limited to the area which will be disturbed.
- 2) Curation of Archeological Materials. Archeological collections and accompanying data and records generated during the archeological development project must be curated in a repository meeting contemporary professional standards, the Secretary's "Standards for Archeology and Historic Preservation," and 36 CFR 79, except when other disposition is required by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) and its regulations (43 CFR 10).
 - a) When archeological collections are to be removed from State, county, municipal, or private property, negotiated arrangements must be made for permanent curation of the collection or for disposition in accordance with the requirements of the Native American Graves Protection and Repatriation Act. Such arrangements are

to be negotiated among the property owner, the SHPO, and the principal investigator prior to reimbursement by the grantee.

- b) Archeological collections and accompanying data and records resulting from grant-assisted work must be accessible for scholarly research by qualified professionals for research, interpretation, preservation, and resource management purposes. If appropriate, collections should be accessible to the public through museum display or other means (see Chapter 13, items B.18 and D.29). This access requirement is subject to the provisions of the Native American Graves Protection and Repatriation Act, Section 304 of the National Historic Preservation Act, as amended, and 36 CFR 79.
- 3) Project Sign. The State must ensure that a project sign is displayed in a prominent location at each project site while project work is in progress. The sign must identify the project and Department of the Interior, National Park Service grant support. This provision may be waived by prior written NPS approval if NPS determines that, in accordance with Section 304 of the Act, this requirement would create a risk of harm to the site.
- 4) Force Account. Construction by force account is generally subject to the same requirements that apply to work performed under contract. Note that if the subgrantee is acting as his/her own contractor, the reasonableness of proposed charges must be supported by at least one independent estimate from an experienced source.
- 5) Uniform Federal Accessibility Standards. The Uniform Federal Accessibility Standards are contained in 41 CFR 101-19.600 through 19.607. When new construction is involved to create physical accessibility to individual historic buildings and facilities, the standards must be used.
- c. Preservation Tax Incentives. Where appropriate, States shall inform grant recipients that HPF development or acquisition grant assistance applied to any portion of a building by an owner and/or lessee precludes that owner and/or lessee from the preservation tax incentives for that portion of the building under 26 U.S.C. 47. In other words, a grant recipient cannot claim Federal tax incentives for the same work that was performed with HPF grant assistance.
- d. Other Requirements. See Chapter 5 regarding Civil Rights, Coastal Barrier Islands, Coastal Zone Management, Flood Plains, Flood Insurance, Lead Based Paint, and Relocation Assistance.
- 3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D and in Section J.3., above, eligible Development activities include:
 - a. In-house Development. Many SHPO offices are located in historic buildings. A State may use HPF funds to rehabilitate (for example) its own historic building (or other State-owned properties).

- b. Predevelopment. The preparation of predevelopment reports, plans, specifications, and other predevelopment costs are considered "nonconstruction" work. See the predevelopment activities listed in Section K.2., Requirements for Development, above.
 - c. Archeology. An eligible archeological development project must have as its objective the protection, stabilization, or preservation of specific archeological resources. The archeological resources may be the primary focus for the development project or they may be one component of a development project that focuses on a building, structure, or landscape. Survey and testing to the extent necessary to determine National Register eligibility and resurvey to confirm site location, boundaries, and condition are likely to be important elements of a development project. Testing that is more intensive than is allowable under the Survey and Inventory Program Area may only be carried out as part of a development project. Eligible archeological activities include:
 - 1) Stabilization projects, such as site burial, revegetation, or repair of the site's physical/structural integrity to reduce or eliminate such damaging forces as erosion are eligible costs. If the treatment technique is revegetation to protect the site by stabilizing the soil, this "landscaping" is considered an essential component of the treatment technique, and is an allowable cost.
 - 2) Archeological testing or excavation to collect information needed to carry out a treatment project or to mitigate the effects of treatment work, provided that the scope of the investigation is limited to the area affected, and the National Register eligibility of the HPF-assisted site is not destroyed.
 - 3) Curation or exhibition of archeological artifacts or materials recovered during the project, within certain limits (see Chapter 13, Section D.11.).
 - d. Force Account. The cost of obtaining the independent estimate required by Section K.2.b.4) for force account work is an eligible grant cost.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E and in Section J.4., ineligible Development activities include:
- a. Routine Maintenance. Proposed grant projects that involve solely routine or cyclical minor maintenance, such as painting window sash, brush clearance at a site, etc., are not eligible for grant assistance. These may be performed as part of a larger preservation treatment.
 - b. Major Reconstruction. Note that for HPF Development grant purposes, reconstruction is limited to portions of a historic property which still retain (prior to reconstruction) sufficient significance and integrity to remain listed in the National Register. While reconstruction is defined as an appropriate treatment in the Secretary's "Standards," total reconstructions are not eligible for HPF grant assistance. If specific features or elements of a building or landscape are missing and thus need to be recreated, this work is potentially eligible for funding (provided adequate historical documentation is available).

Major reconstruction projects, such as recreating a building or landscape that has been completely destroyed at some earlier time, are not eligible activities because such prior

destruction would have resulted in the property losing its National Register eligibility. Vanished structures, by definition, have lost their integrity and therefore are no longer eligible for the National Register, or for HPF grant assistance, as structures.

- c. Landscaping. Landscaping as a part of general site improvements, including parking lots, sidewalks, repaving streets, and street fixtures (such as street lamps and benches) is not eligible project work. (See Sections J.3.b. and K.3.c.(1) above, for eligible landscaping costs.)
- d. Archeology. Archeological investigation that is not directly related to the preservation of a National Register property, or that results in loss of National Register significance and integrity, is not an allowable development cost. An investigation that destroys or impairs the site to the extent that its National Register Eligibility is compromised is not eligible for HPF grant assistance.
- e. Curation. The costs of curation or exhibition of artifacts or materials after the end date of the HPF-assisted project are not eligible for grant assistance. (See Chapter 13, Section D.11.)

L. Acquisition.

- 1. General. While it is a fundamental goal of the HPF Grant program to protect historic resources through encouraging owners, managers, and lessees to care for and maintain these historic resources, there are occasions when acquisition is the only practical method of ensuring the protection and preservation of an historic property for future generations.

While acquisition may be the most appropriate preservation tool, fee-simple acquisitions may not always be necessary. It is often possible (and desirable) to adequately protect a historic property through the purchase of a facade or an open space easement. The purchase or transfer of development rights can also be an effective tool in preserving historic properties without taking on the requirements of ownership such as debt service, maintenance, and administration. The purchase of less-than-fee simple interests, such as open space or facade easements, shall be undertaken only when a limited interest achieves the preservation objective.

Every reasonable effort must be made to acquire sufficient property to protect the historical, archeological, architectural or cultural significance of the National Register-listed property. Also see Chapter 13, Section D.2.

- 2. Requirements. In addition to the General Requirements for Grant-Assisted Activities discussed in Section C, and general Development/Acquisition/Covenants Requirements in Section J.2., above, the requirements for HPF-assisted Acquisition are discussed below.
 - a. Property Title. Acquisition projects must acquire title to the property; either full fee-simple title or a less-than-fee title interest. Such lesser interests include, but are not limited to, easements and rights-of-way. In providing HPF assistance for such acquisitions, the State must assume responsibility for meeting the same covenant and public access requirements as with fee-simple acquisition.

- b. Uniform Relocation Assistance and Real Property Acquisition Policies. Acquisition projects must be accomplished in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. 4601 et seq.). The State and its HPF subgrantees must adopt and implement procedures for the acquisition of real property that are fair and consistent, and that provide that the property owner promptly obtains the full measure of compensation authorized by law with a minimum of inconvenience. (See Chapter 20.)
- c. Waiver of Right to Just Compensation. If real property is acquired at less than the estimate of fair market value determined by a certified independent professional appraiser(s), there must be documentation that the owner was first provided with a written offer to purchase for the full amount established as just compensation (equal to the approved appraisal of the fair market value).

The grantee must submit in the project application a signed statement by the owner waiving the Right to Just Compensation and indicating that he or she:

- 1) Has been informed of all of his or her rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act;
 - 2) Has been provided with a statement of just compensation and a written offer to purchase for the amount appraised as full market value (the amount should be shown in the owner's statement);
 - 3) Is satisfied with the price to be paid even though it is less than the appraisal of fair market value; and
 - 4) The reasons why he or she has elected to accept the lesser amount. (When a partial donation of property (less than appraised fair market value) is to be applied as matching share for an acquisition project, the seller-owner's signed waiver of just compensation and statement of intention to donate the remainder value for historic preservation purposes must be specified.)
- d. Independent Relationship. There must be an independent relationship between the seller and the buyer so that unjust enrichment and/or the appearance of unjust enrichment is avoided. For example, a sale of property between relatives or business partners is not eligible for HPF grant assistance.
 - e. Appraisals must be performed prior to (but not more than 6 months before) the acquisition of real property. The State is responsible for reviewing, evaluating, and certifying that appraisals comply with professional appraisal requirements and State law or regulation. Appraisal and appraisal report requirements are discussed in Exhibit 6-B.

Two current appraisals are required if the first appraisal obtained results in an appraised value exceeding \$100,000. The cost of obtaining an appraisal is an allowable cost.

Appraisals must be performed by licensed members of the appraiser's profession. The second appraisal may be performed by a professional State Government appraiser.

3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, and in Section J.3. above, the following are eligible Acquisition activities:
 - a. HPF assistance may be used to acquire a property only when it is threatened with demolition, impairment, or other controllable damage from natural or human sources such as erosion, vandalism, or relic collecting; or when grant assistance is essential to ensure the preservation of the property for at least the term of the covenant or preservation agreement (see Section L.4.d., below).
 - b. Activities directly pertinent to eligible property title acquisition are allowable.
 - c. Costs associated with conducting an appraisal and preparing appraisal documents are allowable. (See Exhibit 6-B for Appraisal Standards.)
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, and in Section J.4., above, the following are ineligible Acquisition activities:
 - a. Acquisition projects that do not acquire title to the property. Using HPF grant assistance to pay a mortgage installment(s), or an option to purchase, does not acquire title and does not adequately protect the property, and is therefore not eligible for HPF grant assistance. Phased acquisition projects are not allowable for HPF grant assistance--each acquisition project must give title to the buyer. Options to purchase are not allowable for HPF grant assistance.
 - b. Sales of property between relatives or business partners. There must be an independent relationship between the seller and the buyer.
 - c. The boundary of the HPF Acquisition project cannot exceed the boundaries as listed on the National Register nomination. If additional property is essential to protect the integrity and setting of a historic resource, the National Register boundaries must be expanded before an Acquisition project is initiated. (See the National Register publication, How to Establish Boundaries for National Register Properties.)
 - d. The acquisition of a National Register property which has previously received HPF development (or acquisition) grant assistance is not eligible for additional HPF assistance for acquisition costs while the associated covenant or preservation agreement protecting the property is in effect. (See Chapter 13, Section D.2.)
 - e. The cost of borrowing funds for acquisition. (See Chapter 13, Section D.23.)
 - f. The acquisition of a property that is not threatened with demolition, impairment, or other controllable damage from natural or human sources.

M. Covenants and Preservation Agreements.

1. General. Section 102(a)(5) of the National Historic Preservation Act, as amended, stipulates: "No grant may be made under this Act unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary." Covenants and preservation agreements have been instituted administratively as a means to ensure compliance with this requirement of the Act.

When properly monitored and enforced, a preservation agreement ensures the property's protection from unsympathetic changes and, in the event the property is sold, a covenant recorded with the deed passes these requirements along to the new owner. Note: While the Historic Preservation Fund Grants Manual specifies language that minimally must be in every covenant or preservation agreement, each covenant and preservation agreement can and should be individually tailored to fit the particular situation.

2. Requirements.
 - a. Covenants and preservation agreements on grant-assisted historic properties must be executed to ensure that after the grant-assisted work is completed the owner(s) will maintain the premises for a minimum term of years so as to preserve the historical significance and integrity of the features, materials, appearance, workmanship, and environment which made the property eligible for listing in the National Register of Historic Places;
 - 1) Preservation Agreement. A preservation agreement is a legal document executed between the State and the public or private property owner. This agreement is not recorded with the deed and therefore is not enforceable on future owners. If a publicly-owned property does not have a deed, then a Preservation Agreement, instead of a covenant, must be executed for the duration required by Subsection M.2.b., below.
 - 2) Covenant. A covenant is a legal document executed between the State and the property owner in which the property owner of record encumbers the title of the property with a covenant running with the land, in favor of and legally enforceable by the State. The property owner of record (and, if applicable, the holder of the mortgage) must be the executors of the covenant whether or not the owner is the subgrantee.
 - b. Type and Duration of Agreement. The minimum responsibility to maintain and to provide public access to properties acquired or developed with HPF assistance is linked to a specific period of time and type of document that is determined by the amount of Federal assistance. Where there are several phases of development assistance, the term of the covenant or preservation agreement must be commensurate with the total (aggregate) Federal assistance received. In such instances, the covenant period is computed from the date the Federal funds transferred from the State to the subgrantee (or property owner) exceed \$10,000. When HPF assistance involves more than one National Register listed property or structure, the covenant (or preservation agreement) period for each property will be determined by the amount of HPF assistance awarded to each individual property. The following chart indicates the appropriate type and duration of agreement.

Federal Assistance (\$ Amount)	Time Requirement/Type of Document
1 -- 10,000	5-year minimum preservation agreement. A covenant amending the deed is not required.
10,001 -- 25,000	5-year minimum covenant (recorded on the property deed).
25,001 -- 50,000	10-year minimum covenant.
50,001 -- 100,000	15-year minimum covenant.
100,001 and above	20-year minimum covenant.

c. Characteristics and Mandatory Provisions.

- 1) Legally Enforceable. Covenants and preservation agreements must be written in such a manner that they are legally enforceable by the State through specific performance by the owner, and for covenants, subsequent owner(s). The standard provisions listed in this Chapter are all legally enforceable. States must obtain a legal opinion from the State Attorney General for any additional provisions. A model preservation agreement is presented as Exhibit 6-A of this Chapter.
- 2) Subgrantee is not the owner of record. For a lessee to receive grant assistance, there must be a binding written agreement between the lessee and the owner for, at a minimum, the period of the covenant or preservation agreement, and the following provisions must be satisfied:
 - a) Mortgaged property. The covenant or preservation agreement must be executed between the State and the property owner of record. If the property has been financed through a mortgage lender, the holder of the mortgage must also sign the covenant or preservation agreement.
 - b) Building and the land are in different ownership. When the building and the land are in different ownership, the owner of the land must also be a party to the covenant or the preservation agreement.

The covenant runs with the land and must be executed by the owner of record for the term of years specified above. (A lease of the land does not convey title or transfer ownership.) The owner, the State, and the subgrantee must execute a maintenance and administration covenant for the period required.

- 3) Provisions in Covenants and Preservation Agreements. See Exhibit 6-A for required language.
- a) Site Protection. The owner must agree to take appropriate measures to protect the site against willful damage or vandalism, i.e., whatever is necessary to maintain the National Register eligibility of the property. Nothing in this agreement prohibits the owner from developing the site in a manner that will not threaten or damage the National Register eligibility of the resource.
 - b) Recovered Data Protection. The owner must agree to ensure that any data and material recovered will be placed in a repository that will care for the data in the manner prescribed in the Secretary of the Interior's "Standards for Archeology and Historic Preservation," or will comply with the requirements of the Native American Graves Protection and Repatriation Act, and with 36 CFR 79 and 43 CFR 10.
 - c) Maintenance. The owner must agree to assume the cost of continued maintenance and repair of the property so as to preserve the architectural, historical, and/or archeological integrity of the property and its materials for the number of years specified above in order to protect those qualities that made the property eligible for listing in the National Register of Historic Places (or a property contributing to the significance of a National Register listed Historic District). Nothing in this agreement shall prohibit the owner from seeking financial assistance from any source (including HPF Development grants) for additional preservation treatment work available to him/her.
 - d) Public Access. "Public Access" means that the general public can see the results of the HPF investment of public funds.
 - (1) As long as all the HPF-assisted work is clearly visible from a public right-of-way, public access to the property is not required. Public access is also not required when interior development work (such as electrical or plumbing repairs) would not be visible if general access to property were to be provided. (However, the interior of a property acquired with grant assistance must be open to the public at least 12 days a year if the interior has any architecturally or historically significant features.)
 - (2) When the grant-assisted work (interior or exterior), or property acquired with grant assistance, is not clearly visible from the public right-of-way, clauses 4 and 5 of the Model Preservation Agreement must be inserted (see Exhibit 6-A).
 - (3) For compliance with the Americans with Disabilities Act, see clause 5 of Exhibit 6-A.
 - (4) Exceptions to Public Access Requirement. In accordance with Section 304 of the National Historic Preservation Act, NPS may allow the State to withhold from disclosure to the public information relating the location or character of a historic resource whenever the disclosure of such information may incur

substantial risk of harm, theft, or destruction to the resource. The State shall request written approval from NPS to withhold information from the public prior to recordation of the covenant or execution of the preservation agreement.

If an archeological site is not left in an excavated state and interpreted for the public, there are usually no visible features above the ground. Accordingly, public access to archeological sites may be restricted. However, public access may not be restricted if the site is being interpreted, the site is not fragile, or access needs to be provided to serious researchers.

- (5) Notification to the General Public of Access. For properties that are not open to the public except for the required 12 days per year, and where the improvements assisted by HPF grant funds are not visible from the public way, or the property was acquired with HPF grant funds, owners must agree as part of the covenant or preservation agreement to provide public notification by advertising in newspapers of general circulation in the community or area in which the property is located, giving the dates and times when the property will be open to the public.

The covenant or preservation agreement must include a statement that the owner will annually publish dates and times when the property will be open to the public (specific dates and times are not to be included in the preservation agreement). However, the owner must agree that documentation of such notice being published will be furnished annually to the State during the term of the covenant or preservation agreement.

- d. Effective Date. The covenant or preservation agreement is effective upon execution of the document, which for both Acquisition and for Development projects, must be done prior to the disbursement of HPF funds. In addition, for properties acquired with HPF assistance, the covenant period will commence no later than on the date the title of record transfers from the seller to the buyer.

NOTE: No funds shall be disbursed for Acquisition or Development projects prior to the execution of a covenant or preservation agreement.

- e. Monitoring Covenants and Preservation Agreements. The State must maintain an up-to-date list of covenants and/or preservation agreements, including the addresses, names of property owners, expiration dates of the agreements, and dates of any on-site visit. Occasional site visits and correspondence to owners reminding them of their responsibilities under the covenant or preservation agreement must be documented in the State's files, as well as newspaper notices by owners for any properties requiring public access.
- f. Covenant and Preservation Agreement Violations. In the event of the non-performance or violation of the maintenance provision of the covenant or preservation agreement by the owner (or any successor-in-interest) during the term of the covenant, the State must initiate legal action to require the owner to restore the property to the condition existing at

the time HPF-assisted work was completed. If the State fails to initiate legal action, the State is in breach of contract and NPS may exercise any legal remedies available. Documentation of such State legal action, if any has occurred, must be included or referenced in the project file.

Consequences when a property has been DAMAGED or DESTROYED.

- 1) DAMAGED. If an HPF-assisted property is damaged by accidental or natural causes, or is damaged deliberately or through gross negligence during the covenant or preservation agreement period, the State will inform NPS in writing of the damage to the property, including: (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration work necessary to return the property to the condition existing at the time of the grant-assisted project's completion. The State or subgrantee shall, without direct HPF grant assistance, take all necessary steps, including legal action, if necessary, to restore, reconstruct, or stabilize the damaged property.
 - 2) DESTROYED: ACCIDENTAL OR NATURAL CAUSES. If an HPF-assisted property has been destroyed or irreparably damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment which made the property eligible for listing in the National Register of Historic Places has been lost or so damaged that its continued National Register listing is in question, the State will notify the Keeper of the National Register in writing of the loss. The Keeper of the National Register will evaluate the findings and notify the State in writing of any decision to remove the property from the National Register. If the property were to be so removed, the State will then notify the owner that the covenant or preservation agreement is null and void.
 - 3) DESTROYED: DELIBERATE ACTION OR THROUGH GROSS NEGLIGENCE. If an HPF-assisted property has been severely damaged or destroyed deliberately or through gross negligence by a owner, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment which made the property eligible for listing in the National Register of Historic Places has been lost or so damaged that its continued listing in the National Register is in question, the State will notify the Keeper of the National Register in writing of the loss. The Keeper will evaluate the findings and notify the State in writing of any decision to remove the property from listing in the National Register. If the property were to be so removed, the State will initiate requisite legal action to recover, at a minimum, grant funds. Such legal expenses related to National Register properties would be an eligible grant program cost.
- g. Procedures for Seeking Covenant Revision. If the revision is eligible (see Section M.3., below):
- 1) The State Historic Preservation Officer must request in writing that NPS concur with the proposed revision to the covenant or preservation agreement. The State request must specify that a thorough analysis has been performed and the eligibility conditions have been met (see Section M.3.c. below). Acceptable documentation, including the

original covenant or preservation agreement and the proposed revision(s), to support the above determination must be included with the State's request.

- 2) Upon receipt of the items stipulated above, (prior to making a decision) NPS will obtain the written concurrence of the Keeper of the National Register with the State's opinion concerning continued listing in the National Register; and, consult with the Advisory Council on Historic Preservation if any of the provisions of Section 106 of the Act are applicable, in accordance with the Programmatic Agreement between the Advisory Council and the National Park Service.
 - 3) In exceptional cases where revised covenants are permitted, it will continue to be the responsibility of the State Historic Preservation Officer to monitor, hold, and enforce the amended covenants.
3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, and in Section J.3. above, the following are eligible Covenant activities:
- a. Activities associated with preparing, executing, monitoring, and enforcing covenants and preservation agreements are eligible for HPF grant assistance.
 - b. Activities associated with revising covenants or preservation agreements to extend the duration or the protection provided by the agreement are eligible.
 - c. Activities associated with revising covenants or preservation agreements to lessen the protection provided by the agreement are eligible only if prior written NPS concurrence is obtained (see Section M.2.g. above). Amendments will be approved only in exceptional circumstances, where both administrative and technical or economic circumstances justify consideration of a revision to a covenant or preservation agreement. NPS may authorize revisions (amendments) to preservation covenants or preservation agreements only if all of the following circumstances and conditions exist: (1) continuation of the covenant or preservation agreement as written is technically or economically infeasible; and, (2) the proposed revision would still leave the property with sufficient integrity and significance to merit continued listing in the National Register.
4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, and in Section J.4., above, the following is an ineligible Covenant activity:

Under no circumstances shall the procedures for revision (described above) be used to nullify the covenant or preservation agreement. Covenants cannot be "bought out" by repaying the HPF grant funds.

N. Preservation Tax Incentives Program Area.

1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Preservation Tax Incentives Program Area. The U.S. Internal Revenue Code provides incentives for historic preservation. These incentives include a tax credit for any rehabilitation project which the Secretary of the Interior designates as a "certified rehabilitation" of a "certified historic structure."

2. Requirements. In addition to the General Requirements for Grant-Assisted Activities discussed in Section C, above, the following requirements apply to the Preservation Tax Incentives Program Area.
 - a. All activities under this Program Area must meet the Secretary's "Standards for Rehabilitation." See the Appendices.
 - b. Reviews shall be undertaken or approved by appropriately qualified State staff as prescribed in 36 CFR 61, who are familiar with 36 CFR 67 (see Appendices). Reviews must be undertaken by qualified professionals who have a knowledge of preservation technology, methodologies, building materials and their deterioration, and rehabilitation practices (such as raining/education in preservation and rehabilitation techniques, including NPS-sponsored workshops); experience in rehabilitation/restoration projects; knowledge of building trades and practices as shown in education or experience; and/or membership in professional and/or trade organizations.
 - c. Certification recommendations shall meet and be consistent with criteria identified in 36 CFR 67.
 - d. Recommendations shall be based on an adequately documented request as defined in 36 CFR 67.
 - e. Reviews generally shall be concluded, excluding exceptional situations, within 30 calendar days of receipt of adequately documented requests.
 - f. States are expected to forward comments on all applications to NPS, in accordance with instructions of Historic Preservation Certification Application forms 10-168d and e. In the few instances where applications are forwarded without comment, the reason(s) for the State's failure to comment should be conveyed to the National Park Service.
3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities for the Preservation Tax Incentive Program Area include the following:
 - a. Activities related to State or local preservation tax incentives are eligible activities. States may provide assistance to local governments, nonprofit organizations, and individuals regarding the use of State and local incentives to bring about the preservation of cultural resources.
 - b. The certification of State and local statutes, pursuant to 36 CFR 67.8.
 - c. The certification of State and local districts, pursuant to 36 CFR 67.9.
 - d. Evaluations of Significance (Part 1 of the Historic Preservation Certification Application).
 - e. Evaluations of Proposed Rehabilitation Work (Part 2 of the Historic Preservation Certification Application).

f. Certifications of Completed Rehabilitation (Requests for Certification of Completed Work--Part 3).

4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following is an ineligible activity in the Preservation Tax Incentives Program Area:

Work performed with HPF grant assistance via acquisition or development subgrants may not be used to qualify a property for Federal preservation tax incentives.

O. Review and Compliance Program Area.

1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Review and Compliance Program Area.

Review and Compliance refers to State activities that advise and assist public (Federal, State, and local government) agencies in carrying out their historic preservation responsibilities broadly described and established under Sections 106 and 110 of the National Historic Preservation Act, as amended, and implemented through 36 CFR 60, 61, 63, and 800; as well as in other Federal historic preservation-related law. State and local government responsibilities are those established in specific State or local legal and regulatory mandates which parallel in intent and objective the Federal laws cited above.

2. Requirements. In addition to the General Requirements for Grant-Assisted Activities discussed in Section C, above, the following requirements apply to the Review and Compliance Program Area. The requirements all relate to the State's participation in the process of Section 106 of the National Historic Preservation Act, as amended. See Appendices for the full text of the Act.

- a. Federal Agency Requests must be Reviewed, Monitored, and Responded to Within a Prescribed Review Period (generally within 30 days).

- 1) "Federal agency requests" refers to Section 106-related activities and pursuant to 36 CFR 800.
- 2) The State shall ensure that, in general, Federal agency requests are reviewed and responded to within the time period stipulated by regulation or agreement. In order to prevent situations in which delays in processing are a continuing, ongoing, or recurring problem leading to the fact or the perception that the process is an unreasonable obstacle, the State shall track Federal agency requests from the date of receipt to final action and shall ensure that requests are reviewed and responded to within the prescribed time frame. The tracking system shall contain at a minimum the following: (1) the name of the undertaking or contain an identifier code which references the project/undertaking or resource name; (2) the date the request was received by the State; (3) the result or outcome of the review; and (4) the date the State's written opinion was sent to the requesting Federal Agency, or the date the case was closed without a letter.

The prescribed time frame for review is calculated from the date of the receipt of a substantially complete package (i.e., enough information has been provided to allow

the State to make whatever evaluation has been requested). In the absence of a substantially complete package, it is an appropriate response for the State to inform the Federal agency (within the prescribed time period) that an evaluation cannot be made until more information is provided.

- b. Federal Agency Requests must be Reviewed and Final Recommendations Made and Approved by Qualified Staff. See Section C, above, for more information on professional qualifications and documentation requirements.
- c. The National Register Criteria for Evaluation are Consistently Applied in Responding to Federal Agency Requests. See Section C above.

It is the responsibility of the Federal agencies to submit the data necessary for an opinion on National Register eligibility. However, the State may supply or supplement it if the State chooses to do so. Either is acceptable, but see Section E, "Ineligible Activities," for the prohibition on using HPF funds to undertake the mitigation responsibilities of Federal agencies. The State shall not issue an opinion until minimum documentation requirements are met.

- d. The Secretary of the Interior's "Standards for Archeology and Historic Preservation" must be Consistently Applied by States in Evaluating Products Sent To States Pursuant to Agreements with Federal Agencies. When States review and certify their concurrence of specific products of Federal agencies as meeting the stipulated Secretary's "Standards," the State must ensure, and file documentation must support, that the certification is consistent with applicable NPS policy and guidelines. Similarly, file documentation should explain a State's decision that the products do not meet the stipulated Secretary's "Standards." See Section C, above, and the Appendices.

This requirement applies only to reviews undertaken pursuant to those agreements:

- 1) which specify in writing that some or all of the Secretary of the Interior's "Standards for Archeology and Historic Preservation" must be met; and,
 - 2) to which the State has been signatory as part of a formal two or three party agreement pursuant to 36 CFR 800; and,
 - 3) under which Federal agencies have produced specific products that the State has certified in writing meet (or, conversely, do not meet) the stipulations of the agreement by meeting the applicable Secretary's "Standards."
- e. Inventory Data Resulting From Section 106 Activities must be Incorporated into the State's Inventory Information System or cross-referenced with the files. This will reduce or eliminate the need for resurvey, and provide data which can be useful for planning and future activities in all program areas.
3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities in the Review and Compliance Program Area include:

- a. Section 106 Activities. The review of, and comment on, proposed Federal or federally funded, licensed, permitted, or approved undertakings, pursuant to Section 106 of the National Historic Preservation Act, as amended, that may have an effect on properties listed on, or eligible for listing on, the National Register of Historic Places. These activities also include actions taken by a State under a 36 CFR 800.7 agreement. 36 CFR 800.7 allows for the substitution of a State review process for the standard Section 106 approval process.
- b. Section 110 Activities. Technical assistance provided to Federal agencies which assists them in fulfilling their responsibilities under Section 110 and other provisions of the National Historic Preservation Act.
- c. Activities Pursuant to other Federal Historic Preservation Laws and Regulations. Activities of a State office, involving Federal government agencies, provided that the laws and activities are in conformity with Federal historic preservation law, regulation, or requirements (especially the Secretary's "Standards").
- d. E.O. 12372 Intergovernmental Review of Federal Programs. Participation in the process of Federal--State Intergovernmental Review pursuant to E.O. 12372 for programs and projects other than HPF grants. See Chapter 4 for a detailed explanation of how the process works for the HPF grant program.
- e. State and Local Laws. Activities of a State office, or of a local government or Certified Local Government, undertaken to implement or administer State and local historic preservation laws, regulations, or ordinances, provided that the laws and activities are in conformity with Federal historic preservation law, regulation, or requirements (especially the Secretary's "Standards"). These activities typically include State and local equivalents of the Section 106 process: local review of proposals for demolition, alterations, and new construction projects; design review; and the review of applications for Certificates of Appropriateness.

- 4. Ineligible Activities. See the Ineligible Grant-Assisted Activities listed in Section E, above.

P. Local Government Certification Program Area.

- 1. General. This section describes objectives, minimum requirements, eligible activities, and ineligible activities for the Local Government Certification/Pass-Through Program Area. Activity in this program area is that which is directly pertinent to certifying local governments as eligible under Section 101(c) of the Act, monitoring/evaluating implementation of Certified Local Government (CLG) program delivery, and monitoring/evaluating CLG performance under subgrants. See Chapter 9 for minimum program requirements of Certified Local Governments.

The State Historic Preservation Officer must cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to Section 101(c) of the Act. States must provide mechanisms for the certification of local governments to carry out the purposes of the Act, and to provide for the transfer of a portion of their annual HPF grant to local governments that have been certified. Regulations governing procedures for local government historic preservation programs are

published in 36 CFR 61. See the Glossary for the definitions of local government and Certified Local Government.

2. Requirements. In addition to the General Requirements for Grant-Assisted Activities discussed in Section C, above, the following requirements apply to the Local Government Certification Program Area:

- a. All requirements specified in Chapter 9.
- b. If there is no approved State program, the NPS will act in place of the State with regard to a CLG.

NOTE: The SHPO activities listed above do not satisfy the requirement that at least 10 percent of each State's annual apportionment must be subgranted to Certified Local Governments. Such Pass-through subgrants may be used for any HPF eligible activity, but see Chapter 7, Exhibit 7-E for guidelines on properly reporting the results in the End-of-Year Report.

3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, eligible activities in the Local Government Certification Program Area include:

- a. Eligible activities discussed in Chapter 9.
- b. Planning, organizing, and assisting the creation of Certified Local Governments.
- c. Processing applications for certification or amendments to certification agreements.
- d. Monitoring and amending, if necessary, the State CLG process.
- e. Developing, submitting, amending, or otherwise revising the official State processes for the certification of local governments and for funds transferred to CLGs.

4. Ineligible Activities. In addition to the Ineligible Grant-Assisted Activities listed in Section E, above, the following is an ineligible activity in the Local Government Certification Program Area:

Pass-Through funds may not be awarded to a local government that is not yet certified or has lost its certification. CLG subgrant projects must be reported in the applicable Program Area (e.g., a local survey of a section of a CLG community should be shown in the Survey and Inventory Program Area; see Exhibit 7-E).

Q. Other Activities Program Area.

1. General. Activities in this program area include any activity that is eligible for HPF assistance but that does not readily fall within one of the Program Areas described above, or involves Multiple Program Areas and the activity cannot reasonably be divided among the specific Program Areas (see Section D, above).

2. Requirements. See the General Requirements for Grant-Assisted Activities discussed in Section C, above.
 3. Eligible Activities. In addition to the Eligible Grant-Assisted Activities discussed in Section D, above, the eligible activities in the Other Activities Program Area include (subject to the provisions of Chapters 12 and 13):
 - a. General outreach programs that directly pertain to HPF grant-assisted preservation programs and projects.
 - b. General purpose public education activities, including brochures, newsletters, conferences, etc.
 - c. HABS/HAER documentation projects.
 - d. Assistance for salaries and operating expenses for Statewide or local preservation organizations conducting activities in more than one Program Area.
 4. Ineligible Activities. See the Ineligible Grant-Assisted Activities listed in Section E, above.
- R. Program Areas Applicable to the National Trust for Historic Preservation.
Section 101(d)(2) of the Act provides for grants to the National Trust "for the purpose of carrying out the responsibilities of the National Trust." The following are the general categories of functions which describe the activities for which HPF assistance may be provided to the National Trust:
1. General and Administration. Includes the functions necessary to maintain an adequate working environment; provide general management, coordination and articulation of the National Trust's program and operations; including functioning of the Board of Trustees and Board of Advisors; legal counsel, information technology and the financial and budgetary responsibilities of the National Trust.
 2. Historic Properties. Preserve and manage for public benefit the National Trust's historic sites and administer a program to foster the preservation of other historic sites nationwide.

APPENDIX B - HPF Manual, Chapter 13 - Standards for Allowability of Costs

Please check cost allowability in 2 CFR 200 (released in December of 2015) as cost allowance may have changed.

A. Purpose and Applicability.

This Chapter provides standards for determining the allowability of selected items of cost in accordance with Office of Management and Budget Circulars A-87 and A-122. It also includes additional cost items specific to the Historic Preservation Fund program. The National Trust must comply with OMB Circular A-122, Cost Principles for Nonprofit Organizations, and the HPF specific items in this Chapter. Subgrantees that are educational institutions shall be governed by Circular A-21 and the HPF specific items in this Chapter. Note that certain listed costs are allowable (Section B), other costs are allowable with the prior written approval of NPS (Section C), and other costs are unallowable (Section D). The costs not specifically addressed in the Circulars are preceded by an asterisk.

These standards will apply irrespective of whether a particular item of cost is treated as a direct or an indirect cost, or as part of either the Federal or nonfederal matching share of grant assistance. This listing of cost items is not all inclusive. Failure to mention a particular item of cost in these standards is not intended to imply that it is either allowable or unallowable, rather a determination of allowability in each case will be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the policies and principles stated in Chapter 12, "Cost Principles," particularly Section C.

B. Allowable Costs.

1. Accounting Costs.

The cost of establishing and maintaining accounting and other fiscal information systems is allowable.

2. Acquisition Costs.

Acquisition costs incurred to obtain title or to purchase a preservation easement on a property listed individually in the National Register of Historic Places, or a contributing property in a National Register District, are allowable when the acquisition complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties and with Section L of Chapter 6. Appraisal costs incurred to obtain an appraisal of the property's current fair market value by a licensed appraiser, title search and recordation fees, property surveys, title insurance, legal fees, broker's commissions, and purchase price for an amount equal to or less than the appraised value are allowable for an acquisition of real property that meets the requirements of Chapter 6 of the Historic Preservation Fund Grants Manual. The boundary of the HPF acquisition project must not exceed the boundaries described in the National Register nomination. (Costs such as annual property taxes, escrow fees, and loan interest or points are not allowable costs.)

3. Administrative Costs.

Under Section 102(e) of the NHPA, the total direct administrative costs and any State indirect costs charged for carrying out State projects may not exceed 25% of the aggregate costs. See Chapter 7, Exhibit 7-B (Additional Instructions for the SF 424-A), and Chapter 12, Section F.4, for guidance.

4. Advertising and Public Relations Costs.

Advertising media include newspapers, magazines, radio and television programs, direct mail, exhibits, and the like.

- a. Allowable advertising costs are those which are solely for: recruitment of personnel necessary for the grant program; the procurement of goods and services required for the performance of the HPF grant agreement; and notices required by Federal or State regulations pertaining to the HPF program.
- b. Public Relations costs are allowable when: (1) specifically required by the Federal award and then only as a direct cost; (2) incurred to communicate with the public and press pertaining to specific activities or accomplishments that result from performance of the Federal award and then only as a direct cost; or (3) necessary to conduct general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of Federal contract/grant awards, financial matters, etc. (Also see Public Information Costs, Section B.36, below.)

5. Advisory Councils.

Costs incurred by advisory councils or committees established pursuant to Federal requirements to carry out programs, such as State Review Boards, are allowable. The costs of like organizations, such as local review boards established by "certified local governments" is allowable when provided for in an approved subgrant agreement, and when in compliance with the cost allowability provisions of this Chapter. (See Section B.42.)

6. Appraisals.

The cost of necessary appraisals by a licensed appraiser is allowable. (See Chapter 6, Section L.)

7. Audit Services.

The costs of audits necessary for the administration and management of functions related to grant programs are allowable, provided that the audits were performed in accordance with the requirements of the Single Agency Audit Act and of OMB Circular A-133 implementing it (see Chapter 23). Generally, the percentage of costs charged to Federal awards for a single audit shall not exceed the percentage derived by dividing Federal funds expended by total funds expended by the recipient or subrecipient (including program matching funds) during the fiscal year. The percentage may be exceeded only if appropriate documentation demonstrates higher actual costs. Other audit costs are allowable if specifically approved by the awarding or cognizant agency as a direct cost to an award, or included as an indirect cost in a cost allocation plan or rate.

8. Automatic Electronic Data Processing.

The cost of data processing services is allowable (also see Section B.17, regarding Equipment).

9. Bonding.

Costs of bonding employees and officials are allowable for HPF grantees. In addition, costs of such bonds as bid, performance, payment, advance payment, infringement, and fidelity are allowable if required pursuant to the terms of the HPF award, and if such bonding is in accordance with sound business practice. (See unallowable insurance costs in Section D.22.)

10. Budgeting.

Costs incurred for the development, preparation, presentation and execution of HPF assisted program and project budgets are allowable.

11. Communications.

Communication costs incurred for telephone calls or service, mail, messenger, and similar communication expenses necessary for and directly related to HPF grant program operations are allowable.

12. Compensation for Personal Services (including Fringe Benefits).

a. General. For State and local governments, compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries and fringe benefits. Such compensation is allowable to the extent that it satisfies the specific requirements of the OMB Cost Principles and that the total compensation for individual employees:

- 1) Is reasonable for the services rendered, and conforms to the established policy of the governmental unit consistently applied to both Federal and nonfederal activities;
- 2) Follows an appointment made in accordance with State, local, or Indian tribal government laws and rules and which meets other requirements required by Federal law, where applicable;
- 3) Is determined and supported as provided in b., below.

b. Reasonableness. Compensation for employees engaged in work on HPF grant-assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for Federal awards are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

c. Unallowable Costs. Costs which are unallowable under the provisions of this Chapter shall not be allowable solely on the basis that they constitute personal compensation.

- d. Fringe Benefits. Allowability is subject to the following considerations: (1) Fringe Benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefit plans. Except as provided elsewhere in the OMB Cost Principles, the costs of fringe benefits are allowable to the extent that the benefits are reasonable and are required by law, governmental unit employee agreement, or an established policy of the governmental unit. (2) The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, holidays, court leave, military leave, and other similar benefits, are allowable if: (a) they are provided under established written leave policies; (b) the costs are equitably allocated to all related activities, including Federal awards; and, (c) the accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the governmental unit. (4) The accrual basis may be only used for those types of leave for which a liability as defined by Generally Accepted Accounting Principles (GAAP) exists when the leave is earned. When a governmental unit uses the accrual basis of accounting, in accordance with GAAP, allowable leave costs are the lesser of the amount accrued or funded. (5) The cost of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in Section B.21); pension plan costs (see subsection e., below); and other similar benefits, whether treated as indirect costs or direct costs, shall be allocated to Federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such Federal awards and other activities.
- e. Pension Plan Costs. Pension Plan Costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the governmental unit. (1) For pension plans financed on a pay-as-you-go method, allowable costs will be limited to those representing actual payments to retirees or their beneficiaries. (2) Pension Costs calculated using an actuarial cost-based method recognized by GAAP are allowable for a given fiscal year if they are funded for that year within six months after the end of that year. Costs funded after the six-month period (or a later period agreed to by the cognizant agency) are allowable in the year funded. The cognizant agency may agree to an extension of the six-month period if an appropriate adjustment is made to compensate for the timing of the charges to the Federal Government and related Federal reimbursement and the governmental unit's contribution to the pension fund. Adjustments may be made by cash refund or other equitable procedures to compensate the Federal Government for the time value of Federal reimbursements in excess of the contributions to the pension fund. (3) Amounts funded by the governmental unit in excess of the actually determined amount for a fiscal year may be used as the governmental unit's contribution in future periods. (4) When a governmental unit converts to an acceptable actuarial cost method, as defined by GAAP, and funds pension costs in accordance with this method, the unfunded liability at the time of conversion shall be allowable if amortized over a period of years in accordance with GAAP. (5) The Federal Government shall receive an equitable share of any previously allowed pension costs (including earnings thereon) which revert or inure to the governmental unit in the form of a refund, withdrawal, or other credit.

- f. Post-retirement Health Benefits. Post-retirement health benefits (PRHB) refers to costs of health insurance or health services not included in a pension plan covered by subsection e., above, for retirees and their spouses, dependents, and survivors. PRHB costs may be computed using a pay-as-you-go method or an actuarial cost method in accordance with established written policies of the governmental unit. (1) For PRHB financed on a pay-as-you-go method, allowable costs will be limited to those representing actual payments to retirees or their beneficiaries. (2) PRHB costs calculated using an actuarial cost method recognized by GAAP are allowable if they are funded for that year within six months after the end of that year. Costs funded after the six-month period (or a later period agreed to by the cognizant agency) are allowable in the year funded. The cognizant may agree to an extension of the six-month period if an appropriate adjustment is made to compensate for the timing of the charges to the Federal Government and related Federal reimbursements and the governmental unit's contributions to the PRHB fund. Adjustments may be made by cash refund, reduction in current year's PRHB costs, or other equitable procedures to compensate the Federal Government for the time value of Federal reimbursements in excess of contributions to the PRHB fund. (3) Amounts funded in excess of the actuarially determined amount for a fiscal year may be used as the government's contribution in a future period. (4) When a governmental unit converts to an acceptable actuarial cost method and funds PRHB costs in accordance with this method, the initial unfunded liability attributable to prior years shall be allowable if amortized over a period of years in accordance with GAAP, or, if no such GAAP period exists, over a period negotiated with the cognizant agency. (5) To be allowable in the current year, the PRHB costs must be paid either to: (a) an insurer or other benefit provider as current year costs or premiums, or (b) an insurer or trustee to maintain a trust fund or reserve for the sole purpose of providing post-retirement benefits to retirees and other beneficiaries. (6) The Federal Government shall receive an equitable share of any amounts of previously allowed post-retirement benefit costs (including earnings thereon) which revert or inure to the governmental unit in the form of a refund, withdrawal, or other credit.
- g. Severance Pay. (1) Payments in addition to regular salaries and wages made to workers whose employment is being terminated are allowable to the extent that, in each case, they are required by: (a) law, (b) employer-employee agreement, or (c) established written policy. (2) Severance payments (but not accruals) associated with normal turnover are allowable. (3) Abnormal or mass severance pay will be considered on a case-by-case basis and is allowable only if approved by the cognizant Federal agency.
- h. Distribution of Time for Salaries and Wages. Charges to Federal awards for salaries and wages, whether treated as direct or indirect costs, must be based upon payrolls documented in accordance with generally accepted practice of the governmental unit and approved by a responsible official(s) of the grantee. No further documentation is required for the salaries and wages of employees who work in a single indirect cost activity. Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi-annually and will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee. Where employees work on multiple activities or cost objectives, a distribution of their

salaries or wages will be supported by personnel activity reports or equivalent documentation which meets standards for personnel activity records (a) through (e) below, unless a statistical sampling system (see below) or other substitute system has been approved by the cognizant Federal agency.

Documentary support for time distribution will be required where employees work on: (a) more than one Federal award, (b) a Federal award and a nonfederal award, (c) an indirect cost activity and a direct cost activity, (d) two or more indirect cost activities which are allocated using different allocation bases, or (e) an unallowable activity and a direct or indirect cost activity. The time distribution method used must account for the total salaried effort of the persons covered. A system which provides for the reporting only of effort applicable to federally sponsored activities is not acceptable. Time should be accounted for in units no longer than working days, and a brief description linking work performed to a specific approved project or activity should be used. (For example, "Consulted with subgrantee's architect on project XX--0001" would be acceptable; "Grant activities" would not.)

Salaries and wages of employees used in meeting cost sharing or matching requirements of Federal awards must be supported in the same manner as those claimed as allowable costs under Federal awards.

Personnel activity reports or equivalent documentation must meet the following standards: (a) they must reflect an after-the-fact distribution of the actual activity of each employee; (b) they must account for the total activity for which each employee is compensated; (c) they must be prepared at least monthly and must coincide with one or more pay periods; and (d) they must be signed by the employee. Note that budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards but may be used for interim accounting purposes, provided that: (i) the grantee's system for establishing the estimates produces reasonable approximations of the activity actually performed; (ii) at least quarterly, comparisons of actual costs to budgeted distributions based on the monthly activity reports are made. Costs charged to Federal awards to reflect adjustments made as a result of the activity actually performed may be recorded annually if the quarterly comparisons show the differences between budgeted and actual costs are less than ten percent; and (iii) the budget estimates or other distribution percentages are revised at least quarterly, if necessary, to reflect changed circumstances.

Substitute systems for allocating salaries and wages to Federal awards may be used in place of activity reports. These systems are subject to approval if required by the cognizant agency. [See OMB Circular A-87, Item B.11h.(6).]

- i. Donated Services. Donated or volunteer services may be furnished to a grantee by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost. However, the value of donated services may be used to meet cost sharing or matching requirements in accordance with the provisions of Chapter 14. The value of donated services used in the performance of a direct cost activity shall, when material in amount, be considered in the determination of the grantee's indirect costs or rate(s) and, accordingly, shall be allocated a

proportionate share of applicable indirect costs. To the extent feasible, donated services will be supported by the same methods used by the grantee to support the allocability of regular personnel services.

- j. Nonprofit Organizations. For nonprofit organizations charges for personal services must comply with the requirements of OMB Circular A-122, Attachment B, Item 6.
- k. Educational Institutions. For educational institutions charges for personal services must comply with the requirements of OMB Circular A-21, Item J.6.

13. Depreciation and Use Allowances.

- a. Grantees may be compensated for the use of buildings, capital improvements, and equipment used in grant program operations through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. A combination of the two methods may not be used in connection with a single class of fixed assets (e.g., buildings, office equipment, computer equipment, etc.).
- b. The computation of depreciation or use allowance shall be based on acquisition cost of the assets involved. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used. The computation of depreciation or use allowances will exclude the cost or any portion of the cost of buildings and equipment borne or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides; and any portion of the cost of buildings or equipment which has been contributed by or for the grantee or its governmental unit in satisfaction of a matching share requirement.
- c. Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.
- d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent (2%) of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding 6-2/3 percent (i.e., 6.67 percent) of the acquisition cost of usable equipment.
- e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the amount of any depreciation previously charged to the government, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges, decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated. Use allowances or depreciation applicable to the asset shall not exceed the total acquisition cost of the asset, or its fair market value at the time of its donation.

- f. Charges for use allowances or depreciation must be supported by adequate property records. Physical inventories must be taken at least once every two years (a statistical sampling approach is acceptable) to ensure that assets exist, and are in use. Governmental units will manage equipment in accordance with State laws and procedures. When the depreciation method is followed, records indicating the amount of depreciation taken each period must be maintained.
 - g. For nonprofit grantees, see OMB Circular A-122, Item 9.
- 14. Development Costs.
Development costs incurred by subgrant, contract or force account as follows are allowable when such work complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties and with the provisions of Section K of Chapter 6 of the Historic Preservation Fund Grants Manual:
 - a. Costs of exterior work, structural work, and necessary improvements in wiring, plumbing, and other utilities;
 - b. Costs of interior restoration if the public is to have access to the interior in accordance with public benefit policies.
- 15. Disbursing Service.
The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable.
- 16. Employee Morale, Health, and Welfare Costs.
The costs of health or first aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expense incurred in accordance with general State, local, or Indian tribal government policy, are allowable. Income generated from any of these activities will be offset against expenses. For nonprofit grantees, see OMB Circular A-122, Item 11.
- 17. Equipment and Other Capital Expenditures.
Any article of nonexpendable tangible personal property having a useful life of more than one (1) year and an acquisition cost of \$5,000 or less is defined as supplies, and is allowable as a direct cost, without specific prior NPS approval, if necessary for the performance of the HPF grant. (See Section C.2 of this Chapter for prior approval of items costing more than \$5,000.) When replacing equipment purchased with Federal funds, the grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement equipment. Capital expenditures which are not charged directly to a Federal award may be recovered through use allowances, or depreciation (see Section B.13).
- 18. Exhibits.
Costs of temporary exhibits relating specifically to HPF grant assisted program operations, accomplishments, or results are allowable. (See Section D.29 for unallowable exhibition costs.)
- 19. Furnishings.

The cost of project furnishings is allowable as part of a development project when such furnishings are original pieces of furniture or permanently attached items that are integral to building construction or documented historic design or reconstruction based upon documented original furnishings. Some rehabilitation projects may involve furnishings when such furnishings are essential to major objectives of the project. (Replicas of furnishings are not eligible for HPF grant assistance.)

20. General Conditions for Construction Contracts.

This term, used in construction cost estimates, bids, and construction administration documents, refers to provisions by the general contractor of miscellaneous requirements to other contractors and subcontractors, thereby eliminating the duplication and expense of each trade providing its own temporary facilities. General conditions including, but not limited to, temporary heat, power, lighting, water, sanitary facilities, scaffolding, elevators, walkways and railings, construction office space and storage, as well as cleanup, security, and required insurance, permits, and surety bonds, are allowable when identified as a line item in the project application. (See Section D.9. for contingency costs, and D.22 for insurance costs, which are unallowable.)

21. Indirect Costs.

Indirect costs are allowable only in accordance with the applicable indirect cost principles and when based on a current approved or provisional rate awarded by the cognizant Federal agency. (See Chapter 12; also see Section D.21 of Chapter 13.)

22. Insurance and Indemnification.

Costs of hazard and liability insurance to cover personnel or property directly connected with the HPF-assisted program or project site required or approved and maintained pursuant to the grant agreement are allowable during the grant period. Costs of other insurance in connection with the general conduct of activities are allowable if maintained in accordance with sound business practice, except that the types and extent and cost of coverage or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the NPS has specifically required or approved such costs. (See OMB Circular A-87, Item B.25, for the allowability of self-insurance reserves.) For nonprofit grantees, see OMB Circular A-122, Item 18. (Also see Section D.22 for certain unallowable insurance costs.)

23. Interest.

Financing costs (including interest) paid or incurred on or after September 1, 1995, associated with the otherwise allowable costs of office building acquisition, construction, or fabrication, reconstruction or remodeling completed on or after October 1, 1980, is allowable, subject to the following conditions: (1) the financing is provided (by other than tax or user fee sources) by a bona fide third party external to the grantee; (2) the assets are used in support of Federal award; (3) earnings on debt service reserve funds or interest earned on borrowed funds pending payment of construction or acquisition costs are used to offset the current period's cost or the capitalized interest, as appropriate. Earnings subject to being reported to the Federal Internal Revenue Service under arbitrage requirements are excludable; (4) Governmental units will negotiate the amount of allowable interest whenever cash payments (interest, depreciation, use allowances, and contributions) exceed the grantee's cash payments and other contributions attributable to that portion of real property used for Federal awards.

24. Interpretive Signs.

The costs of purchasing and installing (but not maintaining) a minimum number of interpretive or informational markers or signs at grant-assisted historic buildings and structures and archeological sites are allowable. (See Section D.24, below.)

25. Labor Relations Costs.

For nonprofit grantees, see OMB Circular A-122, Item 20.

26. Landscaping.

Costs of landscaping are allowable as follows:

- a. Restoration, rehabilitation, stabilization, or protection of a well-documented historic landscape listed in the National Register of Historic Places either individually, or as a contributing element to a National Register property;
- b. Grading for purposes of drainage, building or site safety, and protection of a National Register listed property;
- c. Improvements necessary to facilitate access for the disabled to a National Register listed property; or
- d. Revegetation to stabilize and protect an archeological site or other National Register property.

(Note: Non-historic features such as parking lots, street paving, street lamps, and benches are not eligible for HPF grant assistance.)

27. Legal Expenses.

The cost of legal expenses required in the administration of HPF grant programs is allowable. (Legal expenses for the prosecution of claims against the Federal Government are unallowable.)

28. Maintenance, Operations, and Repair.

Costs of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, necessary maintenance, normal repairs and alterations, and the like for office space are allowable to the extent that they: (1) keep property in an efficient operating condition, (2) do not add to the permanent value of property or appreciably prolong its intended life, and (3) are not otherwise included in rental or other charges for space. Costs which add to the permanent value of property or appreciably prolong its intended life shall be treated as capital expenditures (see Section B.17., above and Section C.2., below). However, costs of ongoing maintenance and administration of real property assisted with Historic Preservation Fund monies are unallowable (see D.26). For nonprofit grantees, see OMB Circular A-122, Items 22, 38, and 39.

29. Materials and Supplies.

The cost of materials and supplies necessary to carry out the HPF grant program is allowable. Purchases made specifically for the grant program should be charged at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing, consistently applied. Incoming transportation charges are a proper part of materials and supplies costs.

30. Memberships, Subscriptions, and Professional Activities.

a. Memberships. The cost of the grantee organization's membership in civic, business, technical, and professional organizations (dues) is allowable provided:

- 1) the benefit from the membership is directly related to achieving grant program objectives;
- 2) the expenditure is for agency membership;
- 3) the cost of the membership is reasonably related to the value of the services or benefits received; and
- 4) the expenditure is not for membership in organizations substantially engaged in lobbying.

Note: The Lobbying Disclosure Act of 1995 explicitly defines organizations of State government officials as not being lobbying organizations. Therefore, payment of dues to the National Conference of State Historic Preservation Officers is an allowable grant cost. (See Section D.25 for ineligible Lobbying Costs which cannot be charged to the HPF grant.) For nonprofit grantees, see OMB Circular A-122, Item 21.

b. Reference Material. The cost of the grantee organization's subscriptions to business, technical, and professional periodicals is allowable when necessary to accomplish grant program purposes.

c. Meetings and Conferences. Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program. The costs of meals, transportation, rental of meeting facilities, and other incidental costs are allowable. For nonprofit grantees, see OMB Circular A-122, Item 25.

31. Motor Pools.

The costs of a service organization which provides automobiles to grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection, and repair services are allowable.

32. Page Charges in Scientific or Professional Journals.

Page charges for scientific or professional publications are allowable as a necessary part of grant cost where: the papers report work supported by the HPF grant and acknowledge the grant; the charges are levied impartially on all papers published by the journal, whether by non-

government or by Government authors; and there will be a significant and direct benefit to the achievement of HPF grant program objectives.

33. Plans and Specifications.

Costs of architectural plans and specifications, shop drawings, and/or other materials required to document and plan development project work according to the Secretary's Standards for the Treatment of Historic Properties are allowable.

34. Professional and Consultant Service Costs.

- a. Costs of professional and consultant services rendered by persons or organizations that are members of a particular profession or possess a special skill, whether or not officers or employees of the grantee, are allowable, subject to the provisions of Chapter 5 of the Historic Preservation Fund Grants Manual and subject to the subsections below, when reasonable in relation to the services rendered, and when not contingent upon recovery of the costs from the Government (i.e., contingent fees are prohibited).
- b. Factors to be considered in determining the allowability of costs in a particular case include:
 - 1) the nature and scope of the service rendered in relation to the service required; 2) the necessity of contracting for the service, considering the grantee organization's capability in a particular area; 3) the impact of HPF grants on the grantee organization; (4) the qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-government contracts and grants; and 5) the adequacy of the contractual agreement for the service (i.e., description of the service and products to be provided, estimate of time required, rate of compensation, and termination provisions).

Retainer fees supported by evidence of bona fide services available or rendered are allowable.

- c. Costs of legal, accounting, and consulting services, and related costs incurred in the prosecution of claims against the Government are unallowable. (See Section D.33.)
- d. Written agreements shall be executed between the parties which detail the responsibilities, standards, and fees.
- e. Compensation for Consultants. No person employed as a consultant, or by a firm providing consultant services, shall receive more than a reasonable rate of compensation for personal services paid with HPF funds, or when such services are contributed as nonfederal share. This rate shall not exceed the maximum daily rate of compensation in the Federal Civil Service equal to 120 percent of a GS-15, step 10 salary (as of January 2007, this limit is \$660 per day, or \$172,165 divided by 2,087 hours (Federal work year) rounded to the next whole dollar, or \$82.49 per hour).

When consultant services rates exceed this rate, only the amount up to that rate can be charged to the HPF grant, or be claimed as nonfederal matching share costs. Where consultants are hired at salaries above that rate, the excess costs must be paid outside the historic preservation grant (and nonfederal share).

f. For nonprofit grantees, also see OMB Circular A-122, Item 35.

35. Protective Devices.

Costs of burglar and fire alarm systems and other protective devices or protective measures for HPF programs, projects, and records are allowable.

36. Public Information Services Costs.

Public information services costs include the costs associated with newsletters, pamphlets, news releases, films, videotapes, and other forms of historic preservation related information services.

- a. Allowable costs are those normally incurred to: 1) inform or instruct individuals, groups, or the general public about specific historic preservation activities, accomplishments, and issues that result from performance of the HPF grant; 2) interest individuals and organizations in participating in HPF grant supported programs of the grantee and the achievement of NPS approved work program objectives; 3) provide necessary stewardship reports to State and local government agencies, contributing organizations, and the like; or to 4) disseminate the results of grantee sponsored activities to preservation professionals, interested organizations, and the general public.
- b. Within the foregoing parameters, public information services which (1) are not directly related to historic preservation or NPS approved activities, or (2) are costs related to fundraising appeals are unallowable. Public information costs are allowable as direct costs only. For nonprofit organizations, see OMB Circular A-122, Item 37.

37. Publication and Printing Costs.

Costs of printing and reproduction services necessary for grant administration, including but not limited to forms, manuals, the State Comprehensive Historic Preservation Plan, annual subgrant application instructions, and informational literature, are allowable. Publication costs of reports or other media relating to HPF grant program accomplishments or results are allowable when necessary to comply with grant supported program or project requirements, such as Final Project reports, publications undertaken at the written direction of NPS, as well as other publications necessary for grant assisted program administration. See Chapter 3, Section D.3. In addition, for nonprofit organizations, see OMB Circular A-122, Item 38.

38. Recruiting Costs.

For nonprofit grantees, see OMB Circular A-122, Item 41.

39. Relocation Assistance.

Costs of relocation assistance payments made under the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. 4601; see 49 CFR 24), are allowable. See Chapter 20 for details and limits. In addition, for nonprofit organizations, see OMB Circular A-122, Item 42.)

40. Rental Costs.

Rental of office space is allowable, subject to the provisions of Chapter 12, Section C, and OMB Circular A-87, Item B.38. The cost of office space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the following conditions: (1) the total cost of space, in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality; (2) the cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy without authorization of NPS. For nonprofit organizations, see OMB Circular A-122, Item 43.

Equipment rental is allowable only to the extent that the equipment is only needed for a short time and it would not be more cost effective to purchase the equipment.

41. Research.

Costs of historical, architectural, and archeological research necessary for project accomplishment are allowable. Purely archival research is unallowable. (See Section D.1, below.)

42. Review Boards.

Costs incurred by State review boards or committees established and acting pursuant to NPS requirements are allowable. Members of the State review board may receive subsistence, travel allowances, and compensation while serving on the business of the review board, in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services for the State.

43. Royalties and Other Costs for Use of Patents and Copyrights.

See Chapters 16 and 19. In addition, for nonprofit grantees, refer to OMB Circular A-110 and Circular A-122, Item 44. Payment of royalties is allowable unless patent or copyright is invalid or the Federal Government has a right of royalty-free use (which is a requirement for all grant-assisted publications).

44. Severance Pay.

For nonprofit grantees, refer to OMB Circular A-122, Item 45.

45. Signs.

Costs of signs acknowledging HPF assistance at construction project sites during the grant period are allowable. [See Chapter 6, Section K.2.b.3)]

46. Specialized Service Facilities.

For nonprofit grantees, see Circular A-122, Item 46.

47. Taxes.

In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable. In no case are Federal income taxes an allowable grant cost. In addition, for nonprofit grantees, refer to OMB Circular A-122, Item 47. (Also see Item D.35, for unallowable costs.)

48. Termination Cost.

For nonprofit grantees, see OMB Circular A-122, Item 48.

49. Training and Education.

The cost of training for employee development is allowable. For nonprofit grantees, see OMB Circular A-122, Item 49.

50. Travel.

Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees traveling on official business incident to the HPF grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-Federally sponsored activities. Lodging costs must be documented by a receipt in order to be eligible for reimbursement under the HPF grant.

The difference in cost between first class air accommodations and less than first class accommodations is unallowable except when less than first class accommodations are not reasonably available, and the provisions of OMB Circular A-87, Item B.41(c) are met. Foreign travel costs are allowable only with prior written approval of NPS. (See Section C.4, below.) Notwithstanding the provisions of Section D.17, travel costs of officials covered by those subsections, when specifically and directly related to the HPF grant program, are allowable with the prior written authorization of NPS. For nonprofit grantees, see OMB Circular A-122, Item 51. The maximum allowable mileage rate that can be charged to the HPF grant as of June 2007 is forty-eight and one half cents (48.5) cents per mile. (To confirm the most current allowable mileage rate, consult the website:

<http://www.policyworks.gov/org/main/mt/homepage/mtt/pov.htm>.)

C. Costs Allowable with Approval of NPS.

1. Automatic Data Processing.

The cost of data processing services for the HPF grant program is allowable. This cost may include rental of equipment or depreciation on grantee owned equipment. The acquisition of equipment with a unit acquisition cost over \$5,000, whether by outright purchase, rental purchase agreement, or other method of purchase, is allowable only upon specific prior approval of NPS. (See Section C.2.)

2. Equipment and Other Capital Expenditures.

The cost of facilities, equipment, other capital assets, and repairs or improvements which materially increase the value or useful life of capital assets is allowable when such procurement is specifically justified in writing and specifically approved in writing by NPS. When assets acquired with HPF grant funds are sold, no longer available for use in the NPS sponsored program, or used for purposes not authorized by NPS, the NPS equity in any assets with a current fair market value over \$5,000 will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost after trade in allowances of the newly acquired assets is allowable. Articles with a unit cost of more

than \$5,000 and a useful life of more than one (1) year are allowable when specifically approved by NPS as a direct cost. (See Section B.17 regarding articles costing less than \$5,000.)

3. Extended Training.

Costs of out of service training involving extended periods of time (more than a month of time away from work) is allowable only when specifically authorized in writing by NPS.

4. Foreign Travel.

Foreign travel costs are allowable only when the travel has received specific prior written approval from NPS. Each separate foreign trip must be specifically approved and justified on the basis of direct benefits to the HPF grant program. For purposes of this provision, foreign travel is defined as "any travel outside of Canada or any jurisdiction defined as a State by the National Historic Preservation Act, as amended."

5. Moving Historic Structures or Objects.

Costs of moving or reconstructing properties are allowable only if the project meets NPS criteria and if the property remains listed in the National Register, either individually listed or as a contributing property to a historic district. The Keeper of the National Register must give prior written approval for the move in accordance with 36 CFR 60.14b. If the Keeper does not concur that the property will remain on the National Register after the move, then no costs of moving the property are eligible for HPF grant assistance (see Chapter 6, Section J.2.c).

6. Overtime.

For nonprofit grantees, see OMB Circular A-122, Item 28.

7. Participant Support Costs.

For nonprofit grantees, see OMB Circular A-122, Item 30.

8. Preagreement Costs.

Costs incurred prior to the effective date of the grant award, whether or not they would have been allowable if incurred after such date, are allowable only with prior written approval of NPS and when specifically provided for in the grant agreement. See additional requirements for nonprofit grantees in OMB Circular A-122, Item 34.

9. Proposal Costs.

Costs of preparing proposals for potential Federal Government grant agreements are allowable as direct costs when specifically provided for in the grant agreement. (Proposal costs should normally be treated as indirect costs.)

10. Rearrangements and Alterations.

Costs incurred for special rearrangements and alterations of facilities required specifically for the grant program are allowable when specifically approved in writing by NPS. (See Section C.2.)

11. Revolving Fund Costs.

The costs of planned financial assistance by a grantee through a revolving fund mechanism are unallowable except with prior written NPS approval (see Chapter 8, Section F.2.h).

D. Unallowable Costs.

1. Archival Research.
Costs of purely archival research are unallowable. Grant-assisted research must directly relate to achieving the purposes of the HPF grant program.
2. Acquisition of Previously Assisted Properties.
Costs of an acquisition of real property which has previously received HPF assistance for development (or acquisition) are not allowable during the term of the covenant or preservation agreement.
3. Alcoholic Beverages.
Costs of Alcoholic Beverages are unallowable.
4. Archeological Salvage.
Costs of data recovery unrelated to increasing an understanding of a National Register property are unallowable. (See Chapter 6, Section K.4.d.)
5. Bad Debts.
Any losses arising from uncollectible accounts and other claims, and related collection costs, are unallowable.
6. Certified Historic Structures.
Grantees may not provide HPF development assistance for projects which have been accorded Federal preservation tax benefits for that same work. Similarly, HPF development grant assistance used for any portion of a building by an owner and/or lessee precludes that owner and/or lessee from obtaining the Federal tax incentives for historic preservation contained in the Internal Revenue Code for that portion of the building.
7. Church-owned Property.
Costs of acquiring and/or repairing church-owned property are unallowable because of the Administration's policy on maintaining the separation of Church and State. (See Chapter 6, Section D.6 for allowable technical assistance and planning costs.)
8. Conditional Donations.
Any donation of real property containing a reversionary provision to the donor which can be exercised during the term of the covenant is not eligible as matching share.
9. Contingencies.
Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, or intensity, or with an assurance of their happening, are unallowable. (The term "contingency reserve" excludes self-insurance, pension plan, and post-retirement health benefit reserves computed using acceptable actuarial cost methods; see Section B.12.)

10. Contributions and Donations.

- a. Charitable contributions and donations of grant funds, property, or grant-assisted services are unallowable. For nonprofit grantees, see OMB Circular A-122, Item 8, and see discussion of donations in A-122, Item 10.
- b. The value of services donated by employees or other persons paid with HPF grant funds or other Federal funds is unallowable.
- c. Donated goods (i.e., expendable personal property/supplies and donated use of space) may be furnished to a grantee, subgrantee, or grant supported contractor. The value of the goods and space is not reimbursable as a direct or indirect cost. However, the value of the donations may be used to meet matching share requirements when determined in accordance with the conditions described in Chapter 14.

11. Curation.

Costs of curation or exhibition of artifacts or other materials after the project end date are unallowable.

12. Entertainment.

Costs of entertainment, including amusements, social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodgings, rentals, transportation, and gratuities) are unallowable. For nonprofit grantees, see OMB Circular A-122, Item 12.

13. Equipment.

Equipment and other capital expenditures are unallowable as indirect costs. (See Section B.13, for the allowability of use allowances or depreciation on buildings, capital improvement, and equipment.)

14. Federal Properties.

Costs related to federally owned properties are not eligible for HPF assistance. (However, see Chapter 6, Section H.3.i., for allowable costs for surveys on Federal lands.) Note that the Consolidated Rail Corporation is not an instrumentality of the Federal Government and is therefore eligible for grant assistance. (See 45 U.S.C. 741b.)

15. Fines and Penalties.

Fines, penalties, damages, and other settlements resulting from violations (or alleged violations) of, or failure of the grantee to comply with, Federal, State, local, or Indian tribal laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award or written instructions by NPS authorizing in advance such payments. For nonprofit grantees, see OMB Circular A-122, Item 14.

16. Fundraising and Investment Management Costs.

Expenses and costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, investment counsel, and similar expenses incurred to raise capital or obtain contributions are unallowable. For nonprofit grantees, see OMB Circular A-122, Item 19 for other unallowable fundraising costs.

17. General Government Expenses.

The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision or the chief executives of a Federally recognized Indian tribal government are considered a cost of general State or local government and are unallowable. For a federally recognized Indian tribal government, only that portion of the salaries and expenses of the office of the chief executive that is a cost of general government is unallowable; the portion of salaries and expenses directly attributable to managing and operating historic preservation programs by the chief tribal executive and his staff is allowable. Salaries and expenses of State legislatures, tribal councils, county supervisor or board, city council, school boards, etc., are unallowable.

18. HABS/HAER Costs for Federal Supervision.

Payments of HPF grant funds to Federal officials supervising or otherwise administering HABS/HAER projects are not allowable. See exception for temporary limited employees in Chapter 6, Section E.7.

19. Honoraria.

Payments of HPF grant funds for honoraria are not allowable when the primary intent is to confer distinction on, or to symbolize respect, esteem, or admiration for, a recipient. (Payments for services rendered, such as a speaker's fee at a grant-assisted workshop, are allowable.)

20. Idle Facilities and Idle Capacity.

For State and local government grantees, the provisions of OMB Circular A-87, Item B.24 are applicable. For nonprofit grantees, the provisions of OMB Circular A-122, Item 16, are applicable.

21. Indirect Costs to Individuals.

Indirect costs to individuals under grantee awarded subgrants and contracts are not allowable. "Overhead" or administrative support costs must be charged on a direct cost basis and documented by appropriate supporting documentation.

22. Insurance and Indemnification.

Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools which occur in the ordinary course of operations, are allowable. Indemnification includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Federal Government is obligated to indemnify the grantee only to the extent expressly provided for in the Federal award. Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship are unallowable.

23. Interest and Other Financial Costs.

Costs incurred for interest on borrowed capital or the use of a grantee's own funds, however represented, are unallowable, except as specifically provided in Item B.23 of this Chapter, or when authorized by Federal legislation. For nonprofit organizations, costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable, except to acquire capital assets and equipment by purchase or lease agreements on assets acquired after September 29, 1995. (See OMB Circular A-122, Item 19.)

Payment of interest penalties for late payment of bills to contractors is prohibited by the Prompt Payment Act (31 U.S.C. 3901 *et. seq.*). That Act specifies:

- (A) "in no case shall an obligation to pay such interest penalties be construed to be an obligation of the United States," and
- (B) "any payment of such interest penalties shall not be made from funds provided to the grant recipient by a Federal agency, nor shall any nonfederal funds expended for such interest penalties be counted toward any matching requirement applicable to that grant."

24. Interpretive Expenses.

Interpretive expenses, such as staff salaries or maintenance of interpretive devices (with the exception of purchase and installation costs for such devices in accordance with Section B.24 above) are unallowable.

25. Lobbying.

The cost of certain activities associated with obtaining grants, contracts, cooperative agreements, or loans is an unallowable cost. Lobbying with respect to HPF grants, contracts, cooperative agreements, and loans shall be governed by 31 U.S.C. 1352 and the provisions of the Common Rule "New Restrictions on Lobbying," published in the Federal Register (55 FR 6736) on February 26, 1990, as well as the Office of Management and Budget's "Governmentwide Guidance for New Restrictions on Lobbying" and the associated notices published in the Federal Register at 54 FR 52306 (December 20, 1989), at 55 FR 24540 (June 15, 1990), and at 57 FR 1772 (January 15, 1992). The costs associated with activities or any form of communication designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation are unallowable. In addition, all recipients of Federal grant assistance over \$100,000 must certify on the DI-2010 Form that they will not use grant funds for lobbying expenses. (See Chapter 7, Exhibit 7-D, for the DI-2010 form.)

The cost of membership in the National Conference of State Historic Preservation Officers is an allowable cost (see explanation in Chapter 13, Section B.30).

- a. Lobbying Provisions for Nonprofit Organizations. For nonprofit organizations, notwithstanding other provisions of OMB Circular A-122, costs associated with the following activities are unallowable:

- 1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;

- 2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
 - 3) Any attempt to influence: the introduction of Federal or State legislation; or the enactment or modification of any pending Federal or State legislation:
 - a) through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation; or
 - b) by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
 - 4) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.
- b. Exceptions. The following activities are excepted from the provisions detailed above:
- 1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request in accordance with the stipulations of OMB Circular A-122, Attachment B, Item 21.b.
 - 2) Any lobbying made unallowable by subsection a.3), above, to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
 - 3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.
- c. Indirect Costs.
- 1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of paragraph B.3 of Attachment A of OMB Circular A-122.
 - 2) Organizations shall submit as part of their annual indirect cost rate proposal a certification that the requirements and standards of this paragraph have been complied with.

- 3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph B.21 of Attachment A of OMB Circular A-122 complies with the requirements of that Circular.
 - 4) Time logs, calendars, or similar records shall not be required to be created for the purposes of complying with this section during any particular calendar month when: (1) the employee engages in lobbying, as defined in subsection a. and b. (above), 25% or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) above are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) above are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.
26. Maintenance and Administration.
Costs of ongoing maintenance and administration of properties following HPF grant assistance are not allowable, in accordance with Section 102(a)(5) of the Act, as amended. This prohibition is not applicable to the National Trust.
 27. Meals.
Costs of meals for grantee employees, Review Board members (including any other State oversight or advisory boards), or CLG Commission members are unallowable except as per diem when such persons are on travel status in conjunction with activities eligible for HPF assistance.
 28. Mitigation Expenses.
Costs of mitigation activities performed as a condition or pre-condition for obtaining a Federal permit or license or funding by other Federal programs are not allowable.
 29. Museums.
Costs of museum exhibits, staff salaries, and other administrative expenses, including maintenance, are unallowable, if they are not directly related to HPF eligible activities. (See Section B.18.)
 30. Nonconformance with Applicable Secretary of the Interior's Standards.
Work performed under grants, subgrants, or other contractual arrangements that do not conform to the applicable Secretary's Standards are unallowable costs.
 31. Organization Costs.
For nonprofit grantees, see OMB Circular A-122, Item 27.
 32. Profits and Losses on Disposition of Depreciable Property or Other Capital Assets.
For State and local government and Indian tribe grantees, see OMB Circular A-87, Item B.22. For nonprofit grantees, see OMB Circular A-122, Item 36.

33. Prohibition on Compensating Intervenors.

Compensation to any person intervening in any proceeding under the Act is unallowable due to the provisions of Section 101(f) of the National Historic Preservation Act. (See Legal Expenses in Section B.27.)

34. Purchase Price.

The purchase price of real property is not allowable as an eligible development project cost. (It is an allowable cost for an acquisition project because it is a direct and necessary contribution to achieve acquisition project purposes.)

35. Taxes.

Taxes or tax penalties which the organization involved would not have been liable to pay under prudent management are unallowable. This includes payroll tax penalties or interest paid on late taxes. (See Section B.47 for allowable taxes.)

36. Underrecovery of Cost Under Grant Agreements.

Any excess cost not covered by the Federal contribution under one grant agreement is unallowable as a cost under any other Federal agreement. This includes, but is not limited to, the grantee's contributed portion of cost sharing agreements, or any underrecoveries through negotiation of lump sum for, or ceilings on, indirect costs. For nonprofit grantees, see OMB Circular A-122, Item B.22.